

**AUGUST 26, 2021 UNIFIED GOVERNMENT BOARD OF
COMMISSIONERS MEETING
ORDER OF BUSINESS
MEETING TO CONVENE AT 7:00 PM**

FULL COMMISSION (P/Z)

You are invited to a Zoom webinar.

When: Aug 26, 2021 07:00 PM Central Time (US and Canada)

Topic: Full Commission Meeting (P/Z)

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85117594728?pwd=QnN3eXl0cGYwM2dHRjFMZ0l2SHl0UT09>

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- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY REVEREND COMMISSIONER HAROLD JOHNSON,
FAITH DELIVERANCE CHURCH OF GOD IN CHRIST**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, AUGUST 26, 2021 AGENDA**
- VI. CLERK'S STATEMENT**
(Anyone wishing to speak about a particular item on the Planning and Zoning Consent Agenda must notify the Mayor when he asks if there are any "set-asides" on the Planning and Zoning Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Planning and Zoning Consent Agenda are viewed as a single group and voted on with one vote.)
- VII. PLANNING AND ZONING CONSENT AGENDA**
- VIII. PLANNING AND ZONING NON-CONSENT AGENDA**
- IX. MAYOR'S AGENDA**
- X. REGULAR CONSENT AGENDA**
- XI. PUBLIC HEARING AGENDA**
- XII. STANDING COMMITTEES' AGENDA**

- XIII. ADMINISTRATOR'S AGENDA
- XIV. COMMISSIONERS' AGENDA
- XV. LAND BANK BOARD OF TRUSTEES' AGENDA
- XVI. PUBLIC ANNOUNCEMENTS
- XVII. ADJOURN

PLANNING AND ZONING AGENDA
VII. PLANNING AND ZONING AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. COZ2021-022 - CURTIS PETERSEN WITH POLSINELLI

Synopsis: Change of Zone from A-G Agriculture District to CP-3 Planned Commercial District for construction of Camping World at 1201 North 98th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.

(RECOMMENDED FOR APPROVAL)

Tracking #: 21989

2. COZ2021-023 - AHMAD ALMARBU WITH OLIVE LLC

Synopsis: Change of Zone from R-1 Single Family and C-1 Limited Business Districts to CP-2 Planned General Business District for a proposed gas station and convenience store at 8919 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR DENIAL)**

Tracking #: 21990

3. COZ2021-024 - RON WU

Synopsis: Change of Zone from R-1 Single Family District to R-2 Two Family District for an existing duplex at 609 and 611 South 75th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21991

4. COZ2021-025 - RON WU

Synopsis: Change of Zone from R-1 Single Family District to R-2 Two Family District for an existing duplex at 617 and 619 South 75th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 21992

B. SPECIAL USE PERMIT APPLICATION

1. SP2021-026 - LOYD A. CLAY

Synopsis: Special Use Permit for the Temporary Use of Land to park salt plow trucks at 7852 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**
Tracking #: 21993

2. **SP2021-061 - JEFFREY E. HOLLINSHED**

Synopsis: Renewal of a Special Use Permit (SP-2019-16) for live entertainment at 2003 1/2 to 2005 North 5th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**
Tracking #: 21988

C. VACATION APPLICATION

1. **VAC2021-009 - WIL ANDERSON WITH BHC RHODES**

Synopsis: Vacation of an electrical utility easement at 5917 North 123rd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 21994

D. PLAN REVIEW APPLICATIONS

1. **PR2021-019 - MIKE SANDERS WITH NAMPARA PROPERTIES, LLC**

Synopsis: Preliminary and Final Plan Review for an office warehouse with the initial use being the laydown area at 4501 Douglas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 21995

2. **PR2021-020 - MIKE SANDERS WITH NAMPARA PROPERTIES, LLC**

Synopsis: Preliminary and Final Plan Review for an office warehouse with the initial use being the laydown area at 4605 Shearer Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 21996

E. MISCELLANEOUS - ORDINANCES (The following ordinances formalize previous Commission approval.)

1. AN ORDINANCE rezoning property at 88 South 7th Street Trafficway (COZ2021-014) from R-1(B) Single Family District to R-2(B) Two Family District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 21997

2. AN ORDINANCE rezoning property at 2716 and 2718 South 53rd Street (COZ2021-010) from R-1 Single Family District to RP-2 Planned Two Family District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 21998
3. AN ORDINANCE rezoning property at 3860 Bell Crossing Drive (COZ2021-008) from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 21999
4. AN ORDINANCE vacating right-of-way at 5837 Leavenworth Road (VAC2021-005), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 211000
5. AN ORDINANCE vacating an alley at 415 and 417 Stine Avenue (VAC2021-007), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751, **(RECOMMENDED FOR APPROVAL)**
Tracking #: 211001
6. AN ORDINANCE authorizing a Special Use Permit (SP2021-049) for continuation of a performance auto service shop at 1110 Merriam Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751, **(RECOMMENDED FOR APPROVAL)**
Tracking #: 211002
7. AN ORDINANCE authorizing a Special Use Permit (SP2021-054) for continuation of a Short-Term Rental/AirBnB at 3846 and 3848 North 123rd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 211003
8. AN ORDINANCE authorizing a Special Use Permit (SP2021-039) for a Short-Term Rental/AirBnB at 4449 Rainbow Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 211004
9. AN ORDINANCE authorizing a Special Use Permit (SP2021-042) to keep two (2) cows on the property at 734 South 76th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 211005

10. AN ORDINANCE authorizing a Special Use Permit (SP2021-053) for a Home Occupation Short-Term Rental/AirBnB at 11827 Marxen Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 211006
11. AN ORDINANCE authorizing a Special Use Permit (SP2021-058) for continuation of a Homestead Montessori Farm school within a residence at 3800 Weaver Court, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 211007

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

TAX STATUS REPORT BOARD OF COMMISSIONERS AGENDA FOR AUGUST 26, 2021

None of the properties included in applications to be considered on the Planning & Zoning agenda have delinquent taxes prior to 2020.

NOTE: This information cannot serve as the basis for approval or denial of an application. It is not among the factors to be considered as set by ordinance or among accepted zoning factors and criteria. However, such information in certain cases might be relevant to evaluating accepted factors or as an accompaniment to other valid purposes and/or factors.

REGULAR AGENDA

IX. MAYOR'S AGENDA

X. REGULAR CONSENT AGENDA

1. RESOLUTION: ELIGIBLE FINANCIAL INSTITUTIONS AND DESIGNATING AUTHORITY

Synopsis: A resolution designating Unified Government (UG) depositories and eligible institutions for purposes of receiving UG funds for investment and receiving requests for bids for investment of its idle funds, submitted by Rick Mikesic, Director of Revenue/County Treasurer; and Andrea Parra, Deputy County Treasurer.

*On August 9, 2021, the **Economic Development and Finance Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.*

Tracking #: 21963

2. RESOLUTION: 4TH AMENDMENT TO THE DOWNTOWN CAMPUS

DEVELOPMENT AGREEMENT

Synopsis: A resolution adopting the 4th amendment to the Downtown Campus Development Agreement which better defines some requirements, reduces the square footage of the Reardon Center, prioritizes the distribution of CID proceeds, and extends the drop dead date, submitted by Katherine Carttar, Director of Economic Development.

*On August 9, 2021, the **Economic Development and Finance Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.*

Tracking #: 21970

3. RESOLUTION: THE 4TH AMENDMENT TO THE KC FOODIE PARK DEVELOPMENT AGREEMENT

Synopsis: A resolution approving the 4th amendment to KC Foodie Park Development Agreement to primarily extend planning and construction deadlines, submitted by Katherine Carttar, Director of Economic Development.

*On August 9, 2021, the **Economic Development and Finance Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.*

Tracking #: 21971

4. MINUTES

Synopsis: Minutes from regular sessions of April 29 and July 1, 2021; and special sessions of July 15 and 29, 2021.

Tracking #: MINUTES

5. WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated August 12 and 19, 2021.

Tracking #: WEEKLY BUSINESS MATERIAL

XI. PUBLIC HEARING AGENDA

XII. STANDING COMMITTEES' AGENDA

1. RESOLUTION: HISTORIC PRESERVATION FUND GRANTS

Synopsis: A resolution approving the following two project agreements with the Kansas Historical Society, State Preservation Office, relating to Historic Preservation Fund Grants, submitted by Gunnar Hand, Director of Planning and Urban Design.

- Downtown KCK Historic Commercial District in the amount of \$21,000, \$12,500 of which will be paid by the State with federal grant funds and the local match coming from both the Planning and Urban Design long-range planning budget in combination with in-kind contributions.

- Downtown KCK Historic Churches Multiple Listings Designation in the amount of \$30,000, \$18,000 of which will be paid by the State with federal grant funds and the local match coming from both the Planning and Urban Design long-range planning budget in combination with in-kind contributions.

On May 3, 2021, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.

Tracking #: 211010

XIII. ADMINISTRATOR'S AGENDA

1. ORDINANCE/RESOLUTION: ACCEPTING AND ALLOCATING THE AMERICAN RESCUE PLAN ACT (ARPA) LOCAL FISCAL RECOVERY FUNDS

Synopsis: An ordinance and resolution accepting the federal American Rescue Plan Act allocations to the City of Kansas City, Kansas of \$55,383,872 and to the County of Wyandotte, Kansas of \$32,132,644, per the Unified Government's Grant Policy, presented by Kathleen VonAchen, Chief Financial Officer.

Discussed at the August 12, 2021 Commission Special Session.

Tracking #: 21972

2. RESOLUTION: ALLOCATING FUNDS FOR HOUSING INSECURITY AND OTHER ASSISTANCE AS PART OF THE AMERICAN RESCUE PLAN ACT, LOCAL FISCAL RECOVERY FUNDS

Synopsis: A resolution for the allocation of \$1,850,000 in Local Fiscal Recovery Funds received by Wyandotte County, Kansas, to be used to address and prevent housing insecurities and other negative economic impacts due to Covid-19 as part of the American Rescue Plan Act, presented by Kathleen VonAchen, Chief Financial Officer.

In response to Commissioner discussion during the August 12, 2021 ARPA Workshop.

Tracking #: 211011

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

1. Land Bank Option Applications

Synopsis: Request consideration of the following Land Bank option applications, submitted by Jud Knapp, Interim Land Bank Manager.

A. New Construction - Single Family Homes - 17 Total

1. Senitria Monk – 15 homes

i. 1901 N. Hallock St. - 140514

- ii. 1928 N. Hallock St. - 140532
- iii. 1930 N. Hallock St. - 140531
- iv. 1913 N. Hallock St. - 140518
- v. 1902 N. Hallock St. - 140543
- vi. 1925 N. Hallock St. - 140524
- vii. 1920 N. Hallock St. - 140535
- viii. 512 Parallel Pkwy. - 140501
- ix. 1910 N. Hallock St. - 140539
- x. 1923 N. Hallock St. - 140523
- xi. 1917 N. Hallock St. - 140520
- xii. 1914 N. Hallock St. - 140537
- xiii. 1900 N. Hallock St. - 140544
- xiv. 1919 N. Hallock St. - 140521
- xv. 1932 N. Hallock St. - 140530
- xvi. 1907 N. Hallock St. - 140516
- xvii. 1909 N. Hallock St. - 140517
- xviii. 1906 N. Hallock St. - 140541
- xix. 1904 N. Hallock St. - 140542
- xx. 1926 N. Hallock St. - 140533
- xxi. 1908 N. Hallock St. - 140540
- xxii. 1903 N. Hallock St. – 140515
- xxiii. 1924 N. Hallock St. – 140534

2. Rick Worner – 2 homes

Requesting 6 lots for 2 homes. This is to give flexibility if some of the lots are unbuildable the developer will build on the next buildable lot. The Land Bank proposes an option on all 6 but will only deed 2 parcels for the new homes.

- i. 1950 N. Valley St. - 213721
- ii. 1948 N. Valley St. - 213720
- iii. 1944 N. Valley St. - 213719
- iv. 1942 N. Valley St. - 213718
- v. 1936 N. Valley St. – 098900
- vi. 1934 N. Valley St. – 098901

B. New Construction – Eddie Guinn - (Single Family Homes – 8, Townhomes – 25, Commercial – 3)

1. Single family homes – 8

- i. 1342 Lafayette Ave. - 157803
- ii. 1338 Lafayette Ave. - 157806
- iii. 1340 Lafayette Ave. - 157802
- iv. 1336 Lafayette Ave. - 157807
- v. 1326 Lafayette Ave. - 157811
- vi. 1322 Lafayette Ave. - 157812
- vii. 1314 Lafayette Ave. - 157814
- viii. 1320 Lafayette Ave. - 157813

2. Townhomes -25, Commercial -3

The 3 commercial buildings are for healthcare, a bank, and office/community space.

- i. 1514 Stewart Ave. - 158023
- ii. 1522 Stewart Ave. - 158027

- iii. 1406 Stewart Ave. - 158015
- iv. 1610 Stewart Ave. - 158120
- v. 1306 Stewart Ave. - 158003
- vi. 1302 Stewart Ave. - 158001
- vii. 1404 Stewart Ave. - 158014
- viii. 1300 Stewart Ave. - 907204
- ix. 1502 Stewart Ave. - 158021
- x. 1414 Stewart Ave. - 158019
- xi. 1500 Stewart Ave. - 158020
- xii. 1412 Stewart Ave. - 158018
- xiii. 1408 Stewart Ave. - 158016
- xiv. 1312 Stewart Ave. - 158006
- xv. 1322 Stewart Ave. - 158010
- xvi. 1516 Stewart Ave. - 158024
- xvii. 1304 Stewart Ave. - 158002
- xviii. 1508 Stewart Ave. - 158022
- xix. 1410 Stewart Ave. - 158017
- xx. 1310 Stewart Ave. - 158005
- xxi. 1326 Stewart Ave. - 158012
- xxii. 1318 Stewart Ave. - 158008
- xxiii. 1520 Stewart Ave. - 158026
- xxiv. 1324 Stewart Ave. - 158011
- xxv. 1308 Stewart Ave. - 158004
- xxvi. 1314 Stewart Ave. - 158007

C. New Construction – Multi Family Homes – 12 Units

- 1. Ervinco LLC – 2 Duplexes
 - i. 7548 Lathrop Ave. - 215804
 - ii. 700 N. 75th St. - 928942
- 2. Bart Maffry 8 Unit Row Houses
 - i. 824 Freeman Ave. – 082345
 - ii. 826 Freeman Ave. - 082344
 - iii. 830 Freeman Ave. - 082343
 - iv. 832 Freeman Ave. - 082342
 - v. 834 Freeman Ave. - 082341
 - vi. 838 Freeman Ave. - 082374
 - vii. 840 Freeman Ave. – 082340

D. New Construction - Commercial – 2

- 1. Kenthedo Robinson – Community Theater
 - i. 1342 Lafayette Ave – 157803
 - ii. 1945 N. 7th St. – 095142
 - iii. 1943 N. 7th St. – 095143
 - iv. 1941 N. 7th St. – 095145
 - v. 1941 R N. 7th St. – 095144
 - vi. 651 Troup Ave. – 095299
 - vii. 649 Troup Ave. - 095141
- 2. Mike Payne – Neighborhood Convenience Retail Center – 3 Storefronts
 - i. 1135 Quindaro Blvd. – 106315

- ii. 1137 Quindaro Blvd. – 906609
- iii. 1139 Quindaro Blvd. – 906610

E. New Construction – Garage – 1

1. Jesus Leyva

- i. 919 Cleveland Ave. – 157928

Staff Advisory Board – the home already has 2 lots and can build garage on the current property.

*On August 9, 2021 the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.*

Tracking #: 21967

2. LAND BANK PROPERTY TRANSFERS

Synopsis: Request consideration of the following Land Bank transfers, submitted by Jud Knapp, Interim Land Bank Manager.

A. Yard Extensions 1 Total

Megan Summers

- o 26 S. Minnie St. - 139828

Unbuildable lot

B. Property Transfers 1 Total

Turtle Hill

- o 1308 N. 6th St. – 081966

Unbuildable lot

Expanding current park

*On August 9, 2021 the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.*

Tracking #: 21968

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN



Planning and Urban Design

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: August 26, 2021

Re: **Petition COZ2021-022**

GENERAL INFORMATION

Applicant:
Curtis Petersen

Status of Applicant:
Attorney
Polsinelli PC
900 West 48th Place, Suite 900
Kansas City, Missouri 64112

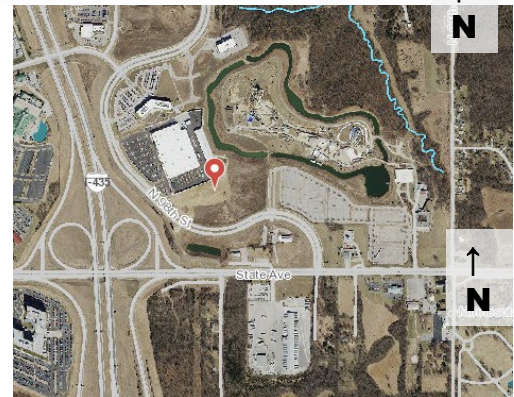
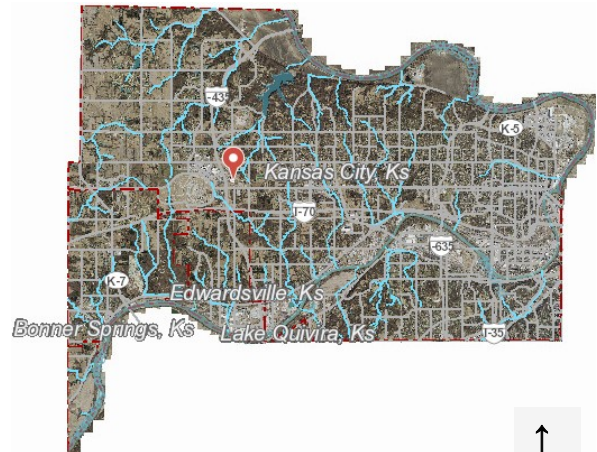
Requested Actions:
Change of Zone from A-G Agriculture District
to CP-3 Planned Commercial District.

Date of Application:
June 16, 2021

Purpose:
To request a Change of Zone from A-G Agriculture
District to CP-3 Planned Commercial District.

Property Location: 1201 North 98th Street
Kansas City, Kansas 66111

Commission District: Commissioner At Large: Tom Burroughs
District #7 Commissioner: Jim Walters



Existing Zoning:	A-G Agriculture District
Adjacent Zoning:	North: CP-2 Planned General Business District A-G Agriculture District South: A-G Agriculture District East: A-G Agriculture District West: CP-2 Planned General Business District
Adjacent Uses:	North: Hardware store Vacant property (formerly amusement park) South: Commercial property East: Vacant property (formerly amusement park) West: Hardware store
Total Tract Size:	11.88 Acres
Master Area Plan:	The subject property is within the Prairie-Delaware-Piper Master Plan.
Master Plan Designation:	The Prairie-Delaware-Piper Master Plan designates this property as Planned Commercial/Business Park. The Planned Commercial/Business Park land use designation is not specifically addressed in the Prairie-Delaware-Piper Area Master Plan, but the Business Park land use designation in the Area Master Plan anticipates manufacturing, light industrial uses, distribution-warehouse, trucking and other employment activity. Similarly, the Regional Commercial land use designation anticipates major retail uses, including restaurants and hotels, as well as centers for large discount stores currently called big box centers and have stores that serve large populations. These should be part of the Major Tourism District or adjacent to Village West.
Major Street Plan:	The Major Street Plan classifies North 98 th Street as a Class C Thoroughfare.
Required Parking:	A-G District (existing district): Section 27-452(e) requires two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. The property is vacant and does not have any parking spaces available.

CP-3 District (proposed district): Section 27-467(e) requires paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. The proposed plat shows a proposed building of 37,791 square feet, which requires 152 parking spaces. The proposed plat only shows 119 parking spaces; the applicant is requesting a variance from the minimum parking requirements, BOZA2021-018, which will be heard simultaneously with COZ2021-022 and PLAT2021-014.

Advertisement: The Wyandotte Echo – July 15, 2021
Letters to Property Owners – July 16, 2021 and August 19, 2021

Public Hearings: August 9, 2021 and August 26, 2021

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, has submitted a Preliminary Plat for one (1) commercial lot (**Approved**) at 1201 North 98th Street. The applicant has also requested a Change of Zone from A-G Agriculture District to CP-3 Planned Commercial District in order to allow for the construction of a Camping World sales facility, which will be used to sell recreation vehicles (RVs).

City Ordinance Requirements: Article VI, Sections 27-196 – 27-216

Zoning Enforcement Issues: There is one (1) outstanding Notice of Violation attached to this property. Property Maintenance Compliance cited the property on May 21, 2021 for overgrown weeds on the property. The subject property has not been previously cited by Property Maintenance Compliance.

FACTORS TO BE CONSIDERED

Change of Zone

1. Character of the Neighborhood.

The subject property is within the I-435 West Statistical Neighborhood and is not within any Neighborhood Group boundary. The subject property is, however, considered within Legends/Kansas Speedway area. The neighborhood is defined by large commercial buildings, business campuses, hotels, sports and entertainment facilities, parking lots, and close proximity to two (2) interstates (I-435 and I-70) and two (2) major roadways (State Avenue and Parallel Parkway).

2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them.*

As presently zoned, the subject property is incompatible with the uses and proposed uses of the neighboring parcels. By rezoning to CP-3 Planned Commercial District and by operating out of a large building on a large lot, the subject property will be compatible with the hardware store to the north/northwest. Proper screening, accomplished through both landscaping and fencing, will contribute greatly to ensuring continued compatibility between the uses on the neighboring parcels.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property?*

The subject property is almost 12 acres and will host a building that measures approximately 38,000 square feet. The size of the parcel compared to the building will allow the building to front the public right-of-way instead of encroaching on the rear and side property boundaries, where the neighboring uses and buildings are and will be located. Beyond the mere distance between buildings on neighboring parcels, screening will reduce any adverse effects from detrimentally affecting nearby properties.

4. *The length of time the property has remained vacant as zoned.*

The subject property has been clear and vacant since approximately 2006.

5. *The extent to which the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.*

The proposed use does not fulfill any basic necessities or services to the community, and therefore it is not reasonably necessary for the convenience and welfare of the public. The extent of development proposed on site will greatly increase the amount of impervious surfaces, traffic, and visuals along North 98th Street. To address and mitigate these issues, sufficient screening must be provided along the property boundary lines, shade trees must be found all across the parcel in order to combat heat islands and unappealing visuals, signage must be in compliance with the Sign Code, and best practices must be employed for stormwater runoff retention. The proposed building itself must also be relocated, in order to appropriately address the street. If all site design requirements—including Commercial District zoning requirements and Commercial Development Guidelines Overlay District (CDGOD) requirements—and staff recommendations are reflected, then the proposed use may not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.

6. *The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.*

There will be additional traffic due to the on-site development. The entry/exit access point(s) to the property from the public right-of-way must be designed in a manner that reduces potential traffic issues such as backups and crashes, as well as minimum pedestrian conflicts.

7. *The degree of conformance of the proposed use to the Master Plan.*

The existing land use designation for the property in the Prairie-Delaware-Piper Area Master Plan is Planned Commercial/Business Park. The Planned Commercial/Business Park land use designation is not specifically addressed in the Prairie-Delaware-Piper Area Master Plan, but the Business Park land use designation in the Area Master Plan anticipates manufacturing, light industrial uses, distribution-warehouse, trucking and other employment activity. The Regional Commercial land use designation anticipates major retail uses, including restaurants and hotels, as well as centers for large discount stores currently called big box centers and have stores that serve large populations. These should be part of the Major Tourism District or adjacent to Village West. The purposed use of an RV dealership has aspects that conform with both the Business Park and Regional Commercial land use designations.

8. *The extent to which the proposed use could cause environmental harm or enhance the environment.*

Development of the property will lead to an increase of impermeable surfaces, parking needs, traffic at peak times, and risk of standing water or runoff. To address and mitigate these issues, sufficient screening must be provided along the property boundary lines, shade trees must be found all across the parcel in order to combat heat islands and unappealing visuals, signage must be in compliance with the Sign Code, and best practices must be employed for stormwater runoff retention. If all site design requirements and staff recommendations are reflected, then the proposed use may not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.

9. *The extent to which utilities and public services are available and adequate to serve the proposed use.*

a. *Water service*

The subject property is served by a 12" public water line along the north side of 98th Street.

b. Sanitary sewer service

The subject property is served by a sanitary sewer line in the southwest portion of the parcel. The applicant has stated that the sanitary sewer line will be expanded as part of the proposed development.

c. Storm water control

The subject property is served by storm water lines in the southern and eastern portions of the parcel. The applicant has stated that the stormwater lines will be expanded as part of the proposed development.

d. Police

Police service is provided to the eastern portion of the subject property by West District, #223. Police service is provided to the western portion of the subject property by West District, #225.

e. Fire

Fire service is provided by Fire Station #6.

f. Transit

The subject property is served by the 101 (State) Route. The closest bus stop to the site is over one-half (1/2) mile away at the intersection of State Avenue and North 94th Street. Despite the relatively proximity to the subject property, the bus stop is not currently accessible by pedestrians due to a gap in the sidewalk connection along a portion of State Avenue.

g. Schools

Claude Huyck Elementary School, Arrowhead Middle School, and Washington High School are provided by Kansas City USD #500.

h. Streets

The property is accessible by North 98th Street, which generally runs north-south but curves around the south-southwest boundary of the subject property.

10. The economic impact of the proposed use on the community.

The economic impact of a commercial development is contingent on several factors, including sales tax increases due to the development of a commercial property. In response to Staff comments, the applicant has stated that a gross 200 jobs will be utilized during the construction phase of the project, and a gross total of 60 full- and part-time jobs are estimated to be created once Camping World is open and operating. The applicant has not stated if Camping World has

or intends to make efforts to recruit and hire residents or Wyandotte County. The applicant has declined to comment on any predicted sales taxes generated by Camping World's use of the property, citing the corporation's status as a publicly traded company.

11. The capability of the proposed use to meet applicable ordinance requirements.

The applicant has requested four (4) separate variances from parking lot- and signage-related zoning requirements. The applicant must receive these variances or comply with the applicable ordinances. For any requested variance that is not granted, the applicant must produce revised documents and plans that demonstrate compliance with the requirements.

12. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

The property is currently vacant and pervious. The proposed development will greatly reduce the natural vegetation and terrain while consequently increasing the area of impervious area. Proper mitigation measures and best practices must be employed to ensure such development does not unduly disrupt the local environment and surrounding properties. These measures include, but are not limited to, stormwater runoff retention, native tree and vegetation landscaping, screening, and shading.

Preliminary Plat (Approved by the City Planning Commission on 8/9/2021)

1. Development of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise, or other adversity.

Future development will need an erosion control plan and should follow Best Management Practices for erosion control. The applicant has provided documentation regarding grading, erosion control, and stormwater runoff management. Abridged versions of some of this documentation can be found in the "Attachments" section of this report.

2. The extent to which utilities and public services are available and adequate to serve the proposed use.

See Change of Zone Factor #9.

3. Streets are designed so as to provide a safe, convenient, and functional system for vehicular traffic, and having such width, gradient, location, and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.

There will be additional traffic due to the on-site development. The entry/exit access point(s) to the property from the public right-of-way must be designed in a manner that reduces potential traffic issues such as backups and crashes.

Additionally, the entry/exit access points, parking lots, and drive aisles must be designed in a manner that takes into account pedestrian traffic. Vehicle-pedestrian conflict points should be strictly minimized.

4. Assurance that buildings, lots, blocks, parcels, and streets are so arranged as to afford adequate light, open space, or air, to facilitate fire protection, and to provide for long-term sustained real estate values.

The building must be moved closer to the frontage along North 98th Street, as per the Commercial Development Guidelines Overlay District (CDGOD). The current location of the building is an arrangement that does not align to the street, necessitates parking spaces in front of the building, and is designed to fit the specific needs of Camping World, which may have detrimental effects on the long-term real estate value of the parcel. The applicant's response to Staff's comments regarding the location and position of the building in relation to the parcel and to the public right-of-way can be found in the *Staff Comments and Suggestions* section of this report.

5. Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation shall be protected and enhanced.

The submitted site plan shows a vast majority of the subject property being paved over, with little regard for the existing terrain. The applicant has not submitted revised site and grading plans that demonstrate development patterns designed with due regard to topography so that the natural features of the land and vegetation shall be protected and enhanced.

6. Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.

The proposed development is commercial in nature. The plat is planned to be two (2) lots and therefore is not required by the Prairie-Delaware-Piper Master Plan to have any amenities.

PREVIOUS ACTIONS

- BOZA2021-018 (simultaneous variance requests from parking minimums, parking lot island ratios, flag area maximums, and flagpole height maximums)

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting at 5:30 PM on July 26, 2021, via Zoom. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant (see the "Attachments" section of this report).

KEY ISSUES

Access to the Rights-of-Way
Commercial Development Guidelines Overlay District
Conformance with the Prairie-Delaware-Piper Area Master Plan
Landscaping
Pedestrian Access
Parking Lot Islands
Parking Spaces
Screening
Signage

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone **COZ2021-022**, subject to:

- 1) The revised site plan, building elevations, and renderings do not demonstrate compliance with the Commercial Design Guidelines. If a deviation is not approved **(Deviation Approved)** by the City Planning commission, the following sections of the Commercial Design Guidelines must be met in the Final Plat:
 - a. Section 27-575(b)(3)b - No more than 80 percent of the off-street parking may be located in the front of the development if more than 80 percent is in front then the number of landscape islands will be increased by 50 percent;
 - b. Section 27-576(c)(1) - Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building; and,
 - c. Section 27-576(c)(2) - In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the facade. This can be achieved through combinations of at least three of the following techniques: a. Divisions or breaks in materials; b. Building offsets (projections, recesses, niches); c. Window bays; d. Separate entrances and entry treatment; or e. Variation in rooflines;
- 2) If a deviation is not approved **(Deviation Approved)** by the City Planning commission, the position of the building must be moved, so that the proposed building is closer to the North 98th Street right-of-way. Per Section 27-575(f)(3), the building must be fronting the public right-of-way;
- 3) Fencing along the parcel boundary and within the parcel shall meet all Commercial Design Guidelines requirements, per Section 27-575(g) and Section 27-577;
- 4) These City Planning Commission cases are being heard in conjunction with BOZA2021-018. The following are conditions for BOZA2021-018 and are stated here for reference only, as COZ2021-022 is solely a rezoning

from A-G Agriculture District to CP-3 Planned Commercial District, and PLAT2021-022 is a preliminary plat for one (1) commercial lot:

- a. Provide sufficient landscaping along the property boundary lines;
 - b. A building permit is required for a permanent structure greater than 120 square feet;
 - c. Only those signs permitted in this division shall be granted a sign permit;
 - d. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward;
 - e. Driveways must be constructed and/or updated to comply with Section 27-575(a). If the Change of Zone to A-G Agriculture District is not granted, all new or updated driveways must be paved with two (2) inches of asphalt over six (6) inches of gravel, four (4) inches of concrete, or another alternative as approved by the UG Engineer;
 - f. ADA compliant parking proximate to the entrance must be installed;
 - g. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations;
 - h. Any business shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same parcel and be compliant with all applicable local ordinances screened from view in accordance with all applicable ordinances;
 - i. The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable; and,
 - j. Site improvements that include land disturbance activity on greater than 1 acre of surface area of land shall require a land disturbance permit;
- 5) The landscape plan must comply with all landscaping and screening requirements of the CDGOD, per Section 27-577. The only exception to landscaping compliance is any variance requested from BOZA2021-018 that is granted;
 - 6) All exterior lighting, whether mounted on the building or installed in the parking lot shall be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 - 7) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
 - 8) A building permit is required. Please contact the Building Inspection Department to begin that process;
 - 9) Incorporate Management Best Practices into revised site plans and construction techniques, as per the Wyandotte County Conservation District letter;
 - 10) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable;

- 11) Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Section 8-610 – Sect. 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/ Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspection Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,
- 12) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of **COZ2021-022**, subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

August 9, 2021 City Planning Commission Minutes
Land Use Map
Aerial Map
Zoning Map
Photos of Property Provided by Staff, Dated July 12, 2021
Site Survey Submitted by the Applicant
Site Plan Submitted by the Applicant
Artistic Renderings Submitted by the Applicant
Building Elevations Submitted by the Applicant
Building Materials Submitted by the Applicant
Floor Plans Submitted by the Applicant
Landscaping Plan Submitted by the Applicant
Grading Plan Submitted by the Applicant
Utility Plan Submitted by the Applicant
Lighting Plan Submitted by the Applicant
Neighborhood Meeting Materials, Dated July 27, 2021

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing Change of Zone	August 9, 2021 Approval	August 26, 2021
Preliminary Plat	August 9, 2021 Approved	N/A

STAFF CONTACT: **Michael Farley**
 mfarley@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE Petition COZ2021-022**, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY Petition COZ2021-022**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

August 9, 2021 City Planning Commission Minutes:

Hearing starts at 2:12:30:

CHANGE OF ZONE APPLICATION COZ2021-022 – CURTIS PETERSEN WITH POLSINELLI - SYNOPSIS: Change of Zone from A-G Agriculture Districts to CP-3 Planned Commercial District for construction of Camping World at 1201 North 98th Street.

PLAT2021-014 – CURTIS PETERSEN WITH POLSINELLI – SYNOPSIS: Preliminary Plat for one (1) commercial lot at 1201 North 98th Street.

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli PC, has submitted a Preliminary Plat for one (1) commercial lot at 1201 North 98th Street. The applicant has also requested a Change of Zone from A-G Agriculture District to CP-3 Planned Commercial District in order to allow for the construction of a Camping World sales facility, which will be used to sell recreation vehicles (RVs).

City Ordinance Requirements: Article VI, Sections 27-196 – 27-216

Zoning Enforcement Issues: There is one (1) outstanding Notice of Violation attached to this property. Property Maintenance Compliance cited the property on May 21, 2021 for overgrown weeds on the property. The subject property has not been previously cited by Property Maintenance Compliance.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated August 9, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Curtis Petersen, applicant, Polsinelli, PC, 900 West 48th Place, Suite 900, Kansas City, Missouri 64112

The Commission granted Mr. Petersen an additional five (5) minutes.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:34:54: Planning Director Hand stated that staff worked with the applicant on this project; in order to bring it as close to the Commercial Design Guidelines, but the applicant will still require four (4) deviations for parking, landscaping, building placement and design. Emphasis was put on screening outside the fence to meet the intent of the Code and Master Plan. He further stated that staff is in agreement with the changes in the conditions outlined by the applicant. He further stated that Mr. Petersen understands that Staff will require the sidewalk connection to State Avenue be completed as a part of the larger Homefield redevelopment project.

Motion and Vote starts at 2:36:00:

On motion by Mrs. Jones, seconded by Dr. Hill, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone COZ2021-022:**

Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	Not Present
Ernst	Aye
Hill	Aye
Huey	Not Present
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye

Motion to RECOMMEND APPROVAL Passed: 6 to 0

Subject to:

- 1) The revised site plan, building elevations, and renderings do not demonstrate compliance with the Commercial Design Guidelines. If a deviation is not approved **(Deviation Approved)** by the City Planning commission, the following sections of the Commercial Design Guidelines must be met in the Final Plat:
 - a. Section 27-575(b)(3)b - No more than 80 percent of the off-street parking may be located in the front of the development if more than 80 percent is in front then the number of landscape islands will be increased by 50 percent;
 - b. Section 27-576(c)(1) - Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building; and,
 - c. Section 27-576(c)(2) - In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the facade. This can be achieved through combinations of at least three of the following techniques: a. Divisions or breaks in materials; b. Building offsets (projections, recesses, niches); c. Window bays; d. Separate entrances and entry treatment; or e. Variation in rooflines;

- 2) If a deviation is not approved **(Deviation Approved)** by the City Planning commission, the position of the building must be moved, so that the proposed building is closer to the North 98th Street right-of-way. Per Section 27-575(f)(3), the building must be fronting the public right-of-way;
- 3) Fencing along the parcel boundary and within the parcel shall meet all Commercial Design Guidelines requirements, per Section 27-575(g) and Section 27-577;
- 4) These City Planning Commission cases are being heard in conjunction with BOZA2021-018. The following are conditions for BOZA2021-018 and are stated here for reference only, as COZ2021-022 is solely a rezoning from A-G Agriculture District to CP-3 Planned Commercial District, and PLAT2021-022 is a preliminary plat for one (1) commercial lot:
 - a. Provide sufficient landscaping along the property boundary lines;
 - b. A building permit is required for a permanent structure greater than 120 square feet;
 - c. Only those signs permitted in this division shall be granted a sign permit;
 - d. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward;
 - e. Driveways must be constructed and/or updated to comply with Section 27-575(a). If the Change of Zone to A-G Agriculture District is not granted, all new or updated driveways must be paved with two (2) inches of asphalt over six (6) inches of gravel, four (4) inches of concrete, or another alternative as approved by the UG Engineer;
 - f. ADA compliant parking proximate to the entrance must be installed;
 - g. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations;
 - h. Any business shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same parcel and be compliant with all applicable local ordinances screened from view in accordance with all applicable ordinances;
 - i. The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable; and,
 - j. Site improvements that include land disturbance activity on greater than 1 acre of surface area of land shall require a land disturbance permit;
- 5) The landscape plan must comply with all landscaping and screening requirements of the CDGOD, per Section 27-577. The only exception to landscaping compliance is any variance requested from BOZA2021-018 that is granted;
- 6) All exterior lighting, whether mounted on the building or installed in the parking lot shall be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;

- 7) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
- 8) A building permit is required. Please contact the Building Inspection Department to begin that process;
- 9) Incorporate Management Best Practices into revised site plans and construction techniques, as per the Wyandotte County Conservation District letter;
- 10) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable;
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- 12) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE PLAT2021-014**:

Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	Not Present
Ernst	Aye
Huey	Not Present
Hill	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye

Motion to APPROVE Passed: 6 to 0

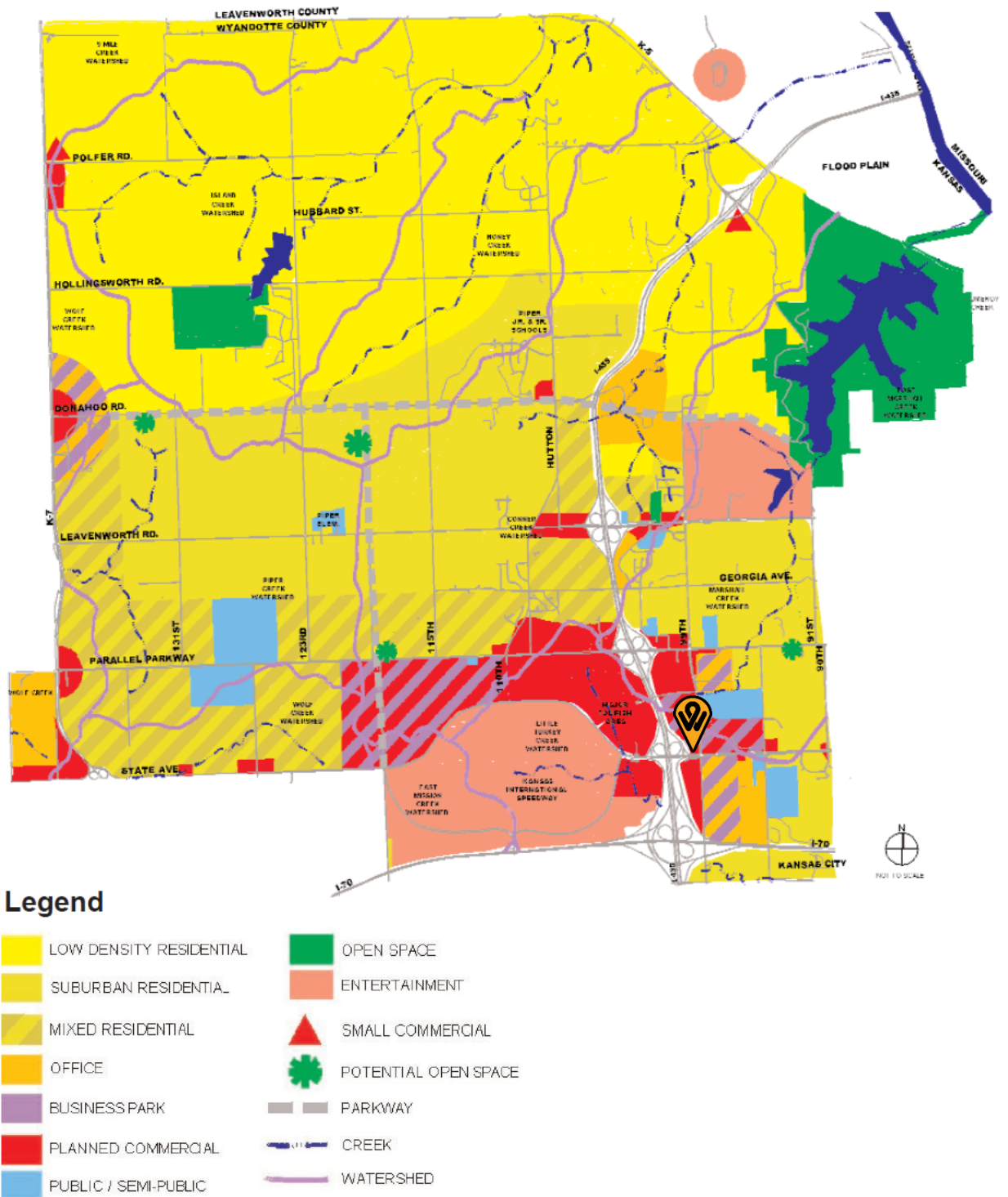
Subject to:

- 1) During construction of the proposed Camping World, the existing overhead electrical lines located on the subject property will be temporarily relocated within the boundaries of the subject property. As part of the future

- development phases of the surrounding master development with STAR Bonds, the overhead electrical lines on the subject property will be buried below grade;
- 2) The revised site plan, building elevations, and renderings do not demonstrate compliance with the CDGOD. If a deviation **(Deviation Approved)** is not approved by the City Planning commission, the following sections of the CDGOD must be met in the Final Plat:
- a. Section 27-575(b)(3)b- No more than 80 percent of the off-street parking may be located in the front of the development if more than 80 percent is in front then the number of landscape islands will be increased by 50 percent;
 - b. Section 27-576(c)(1)- Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building; and,
 - c. Section 27-576(c)(2) - In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the facade. This can be achieved through combinations of at least three of the following techniques: a. Divisions or breaks in materials; b. Building offsets (projections, recesses, niches); c. Window bays; d. Separate entrances and entry treatment; or e. Variation in rooflines;
- 3) If a deviation is not approved **(Deviation Approved)** by the City Planning commission, the position of the building must be moved, so that the proposed building is closer to the North 98th Street right-of-way. Per Section 27-575(f)(3), the building must be fronting the public right-of-way;
- 4) Fencing along the parcel boundary and within the parcel shall meet all Commercial Design Guidelines requirements, per Section 27-575(g) and Section 27-577;
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 - b. A building permit is required for a permanent structure greater than 120 square feet;
 - c. Only those signs permitted in this division shall be granted a sign permit;
 - d. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward;
 - e. Driveways must be constructed and/or updated to comply with Section 27-575(a). If the Change of Zone to A-G Agriculture District is not granted, all new or updated driveways must be paved with two (2) inches of asphalt over six (6) inches of gravel, four (4) inches of concrete, or another alternative as approved by the UG Engineer;
 - f. ADA compliant parking proximate to the entrance must be installed;

- g. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations;
 - h. Any business shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same parcel and be compliant with all applicable local ordinances screened from view in accordance with all applicable ordinances;
 - i. The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable; and,
 - j. Site improvements that include land disturbance activity on greater than 1 acre of surface area of land shall require a land disturbance permit;
- 6) The landscape plan must comply with all landscaping and screening requirements of the CDGOD, per Section 27-577. The only exception to landscaping compliance is any variance requested from BOZA2021-018 that is granted;
 - 7) A building permit is required. Please contact the Building Inspection Department to begin that process;
 - 8) Incorporate Management Best Practices into revised site plans and construction techniques, as per the Wyandotte County Conservation District letter;
 - 9) Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;
 - 10) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable; and,
 - 11) Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Section 8-610 – Sect. 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/ Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspection Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.

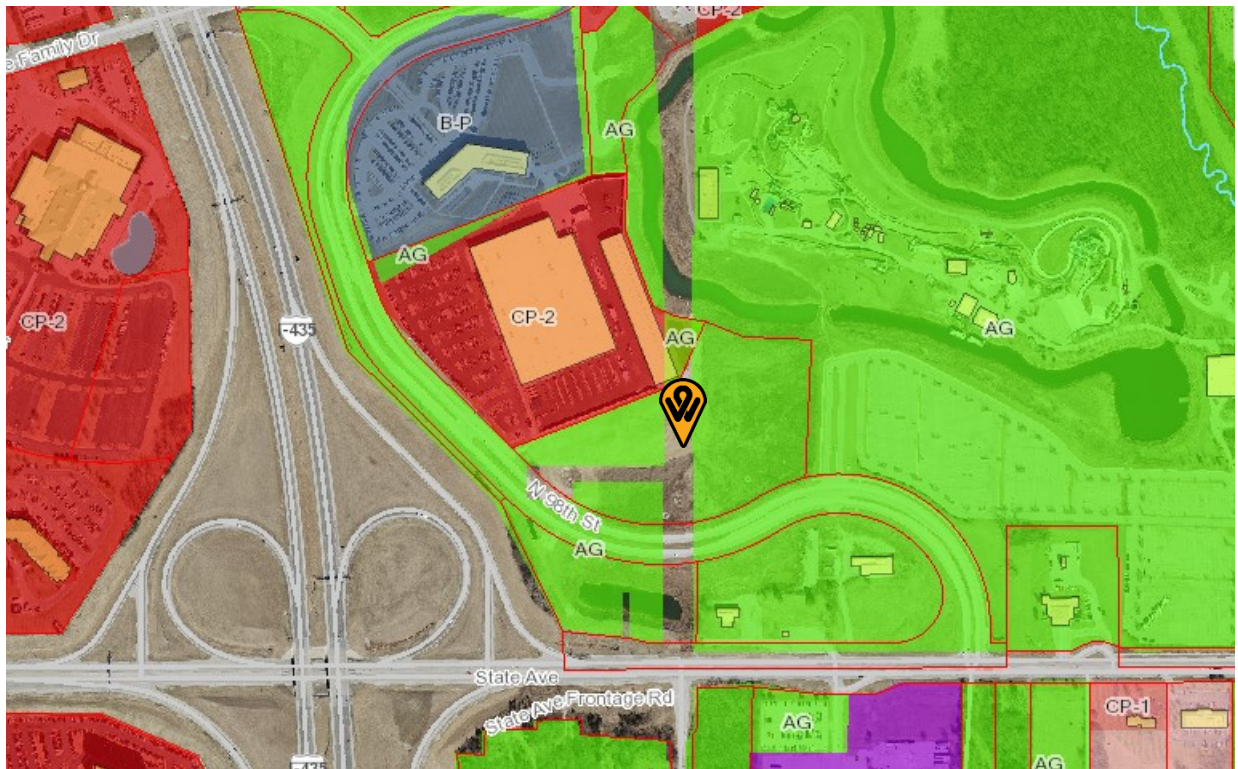
LAND USE MAP



AERIAL MAP



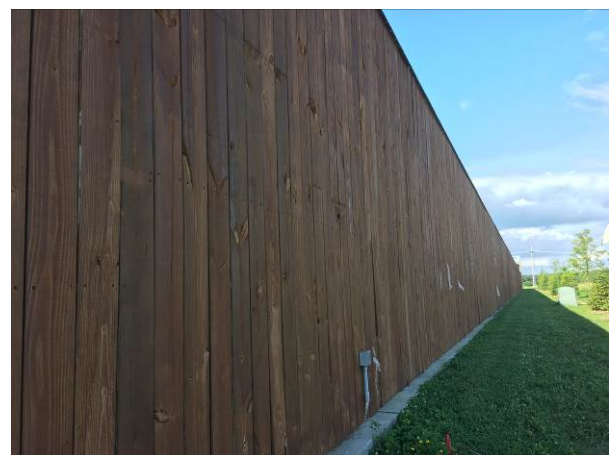
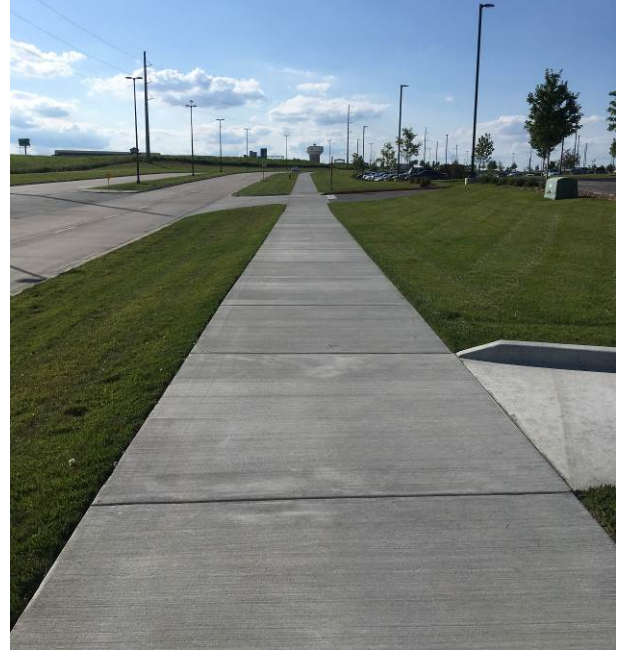
ZONING MAP



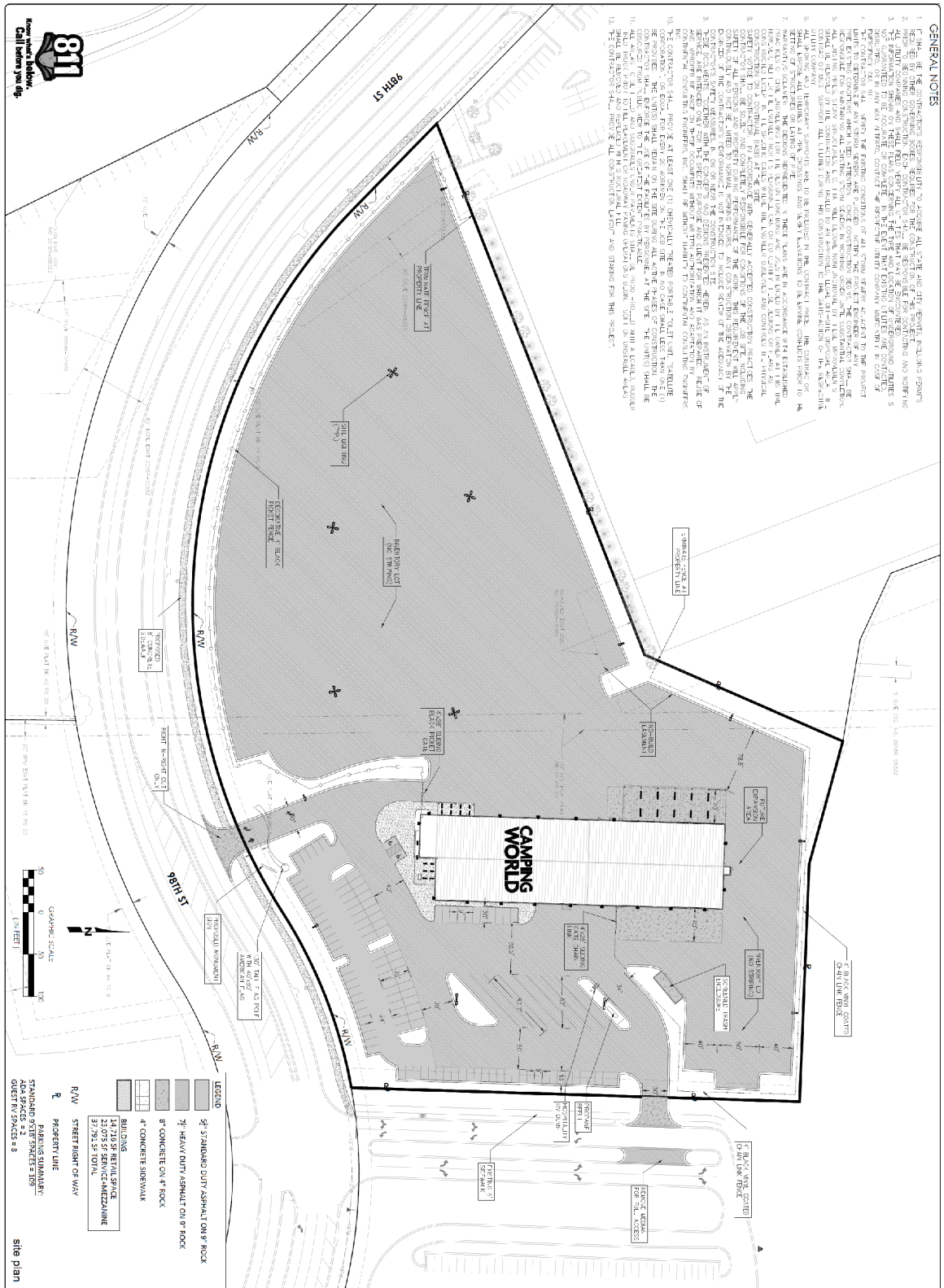
PHOTOS OF THE PROPERTY PROVIDED BY STAFF, DATED JULY 12, 2021



PHOTOS OF THE PROPERTY PROVIDED BY STAFF, DATED JULY 12, 2021, CONT.



SITE SURVEY SUBMITTED BY THE APPLICANT



ARTISTIC RENDERINGS SUBMITTED BY THE APPLICANT



D1 artist rendering main entry and service canopy



F1 artist rendering main entry and service entry



F5 artist rendering service bays and rear elevation

bnb **design**
architecture & interiors
115 n. nettleton
bonner springs, ks
913.422.5762 ph

L. Eric Harkin, a Kansas registered architect #5179, has prepared the drawings and assumes responsibility for the sheets numbered T100.A/100 for the project: Camping World Services.

Other drawings and specifications attached for the above-mentioned project have been by and are the responsibility of the licensed engineer whose stamp and firm appear on that sheet.

The architect is not responsible for the design of the electrical, plumbing, civil engineering, landscaping, structural, signage not specified and the sprinkling or fire suppression systems, and elevators, and heating, ventilation and air conditioning.

and does not take responsibility for the compliance of these areas with the laws of the above governmental entities. The architect is not responsible for materials, components, and equipment, as well as the method in which they are installed on the project by others. The

architect is not hired or responsible for certification, during construction or upon completion of construction. The architect is not responsible for improper operation due to faulty installation or product failure during construction.

The licensed professional whose stamp appears on the other sheets (other than noted above) shall be an architect, civil engineer, mechanical engineer, electrical engineer, or professional geologist.

CAMPING WORLD
1201 N 98th STREET
KANSAS CITY, KS 66111

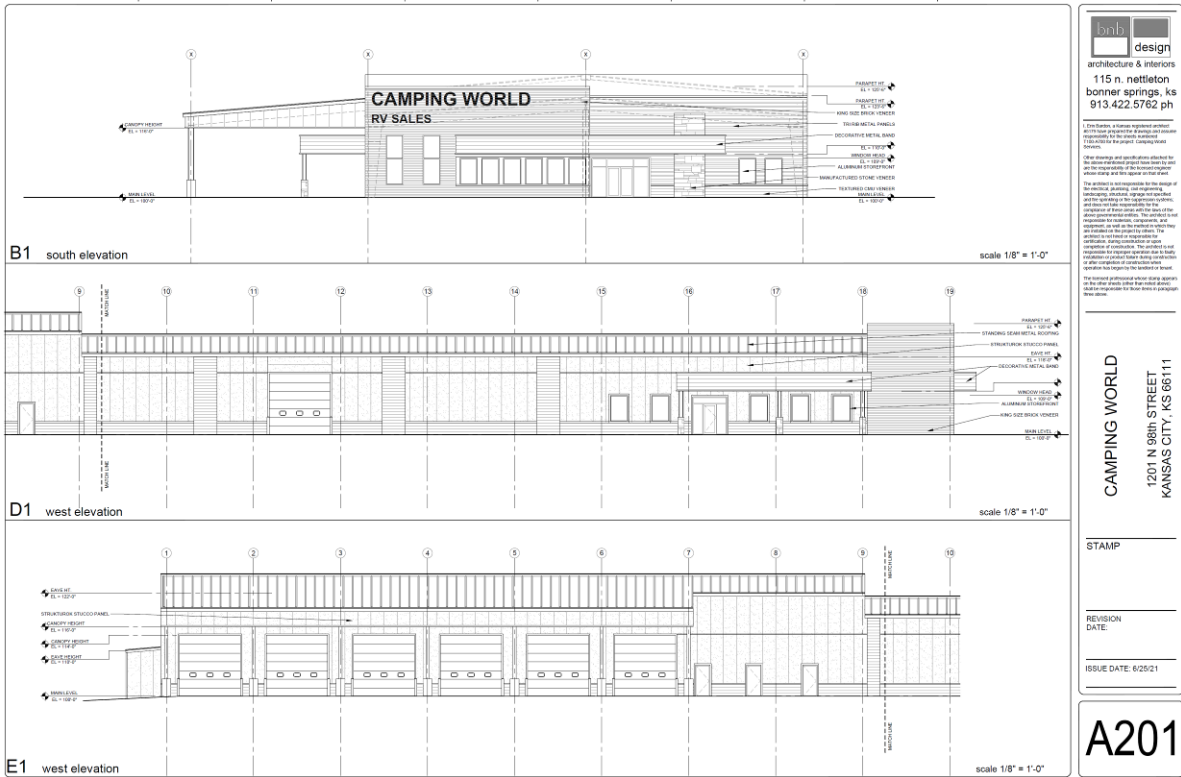
STAMP

REVISION
DATE:

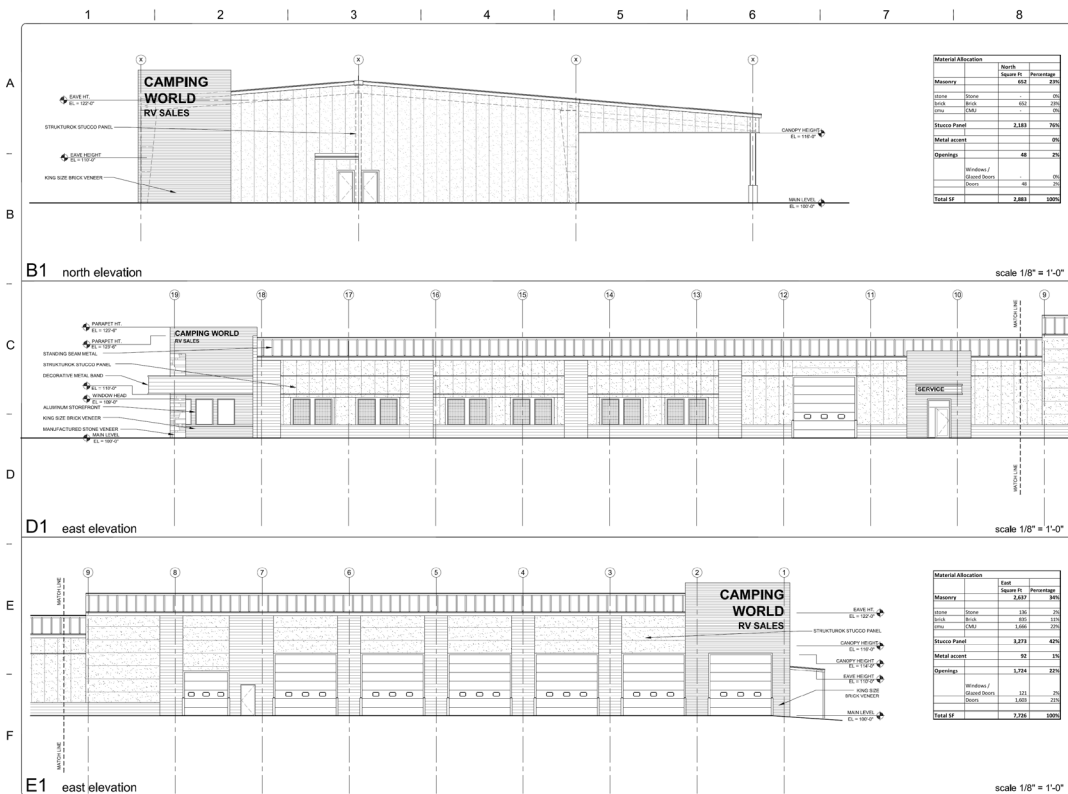
ISSUE DATE: 6/25/21

A200

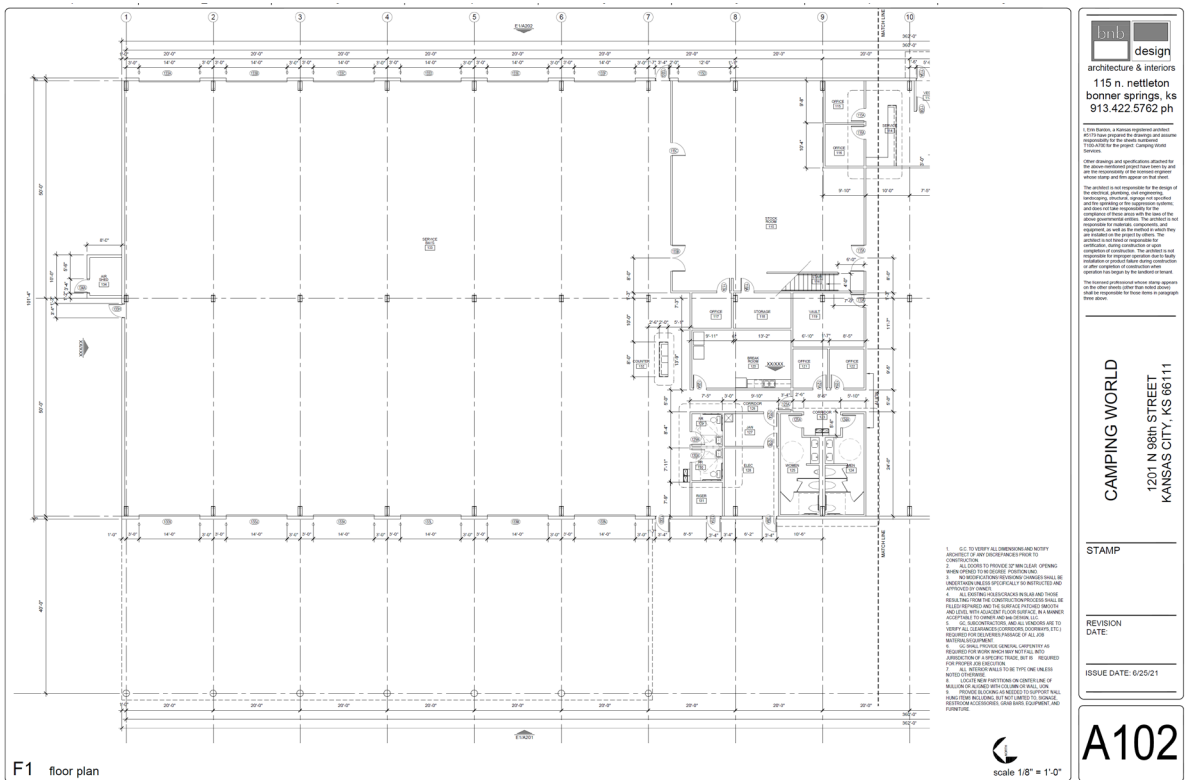
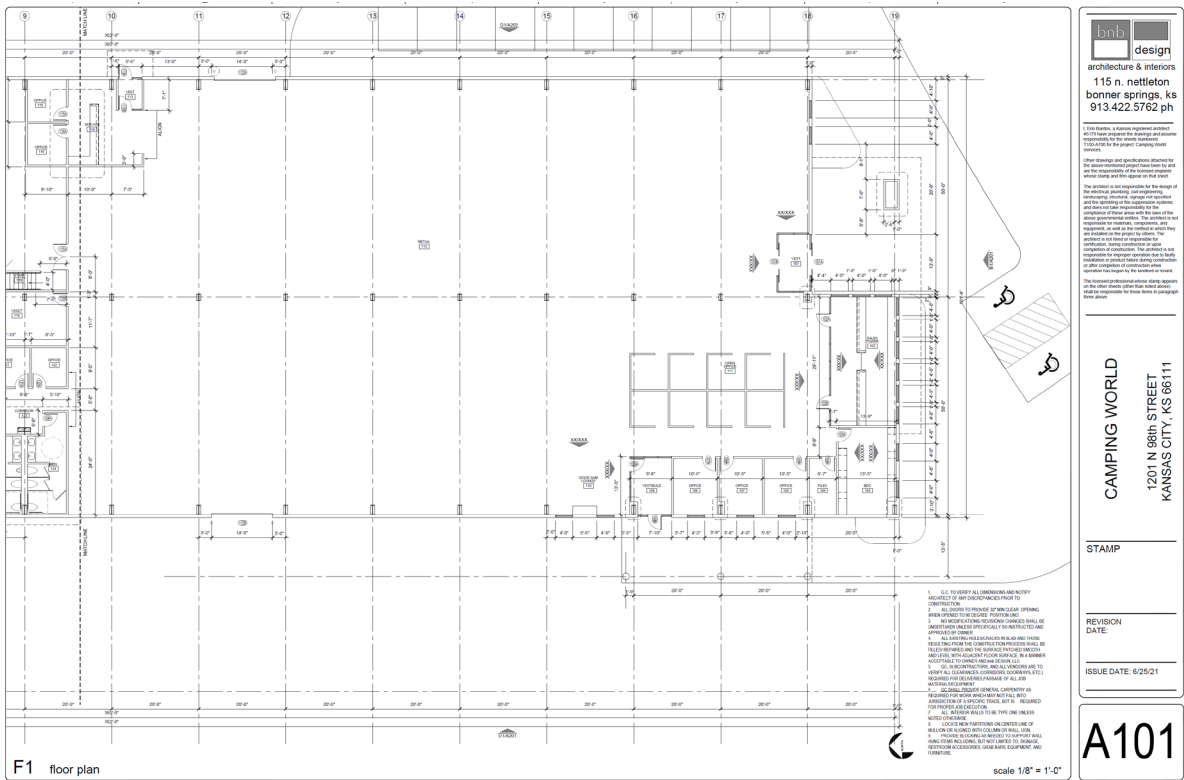
BUILDING ELEVATIONS SUBMITTED BY THE APPLICANT



Staff Note: This site will be seen from all angles from the public right-of-way. The applicant must request a deviation from the City Planning Commission in order to keep the building elevations as proposed.



FLOOR PLANS SUBMITTED BY THE APPLICANT

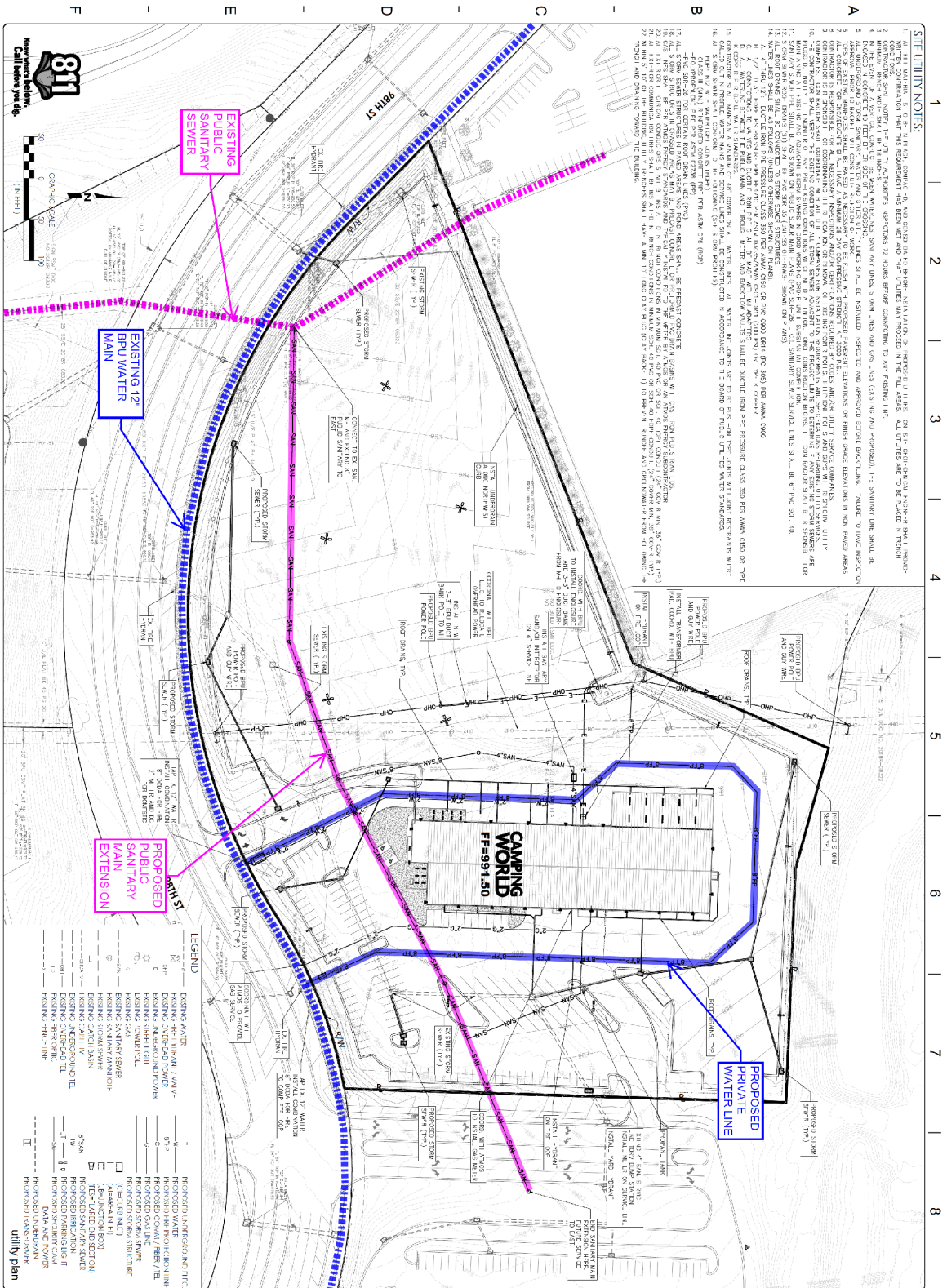


LANDSCAPING PLAN SUBMITTED BY THE APPLICANT





UTILITY PLAN SUBMITTED BY THE APPLICANT



CAMPING WORLD

KANSAS CITY, KS

design

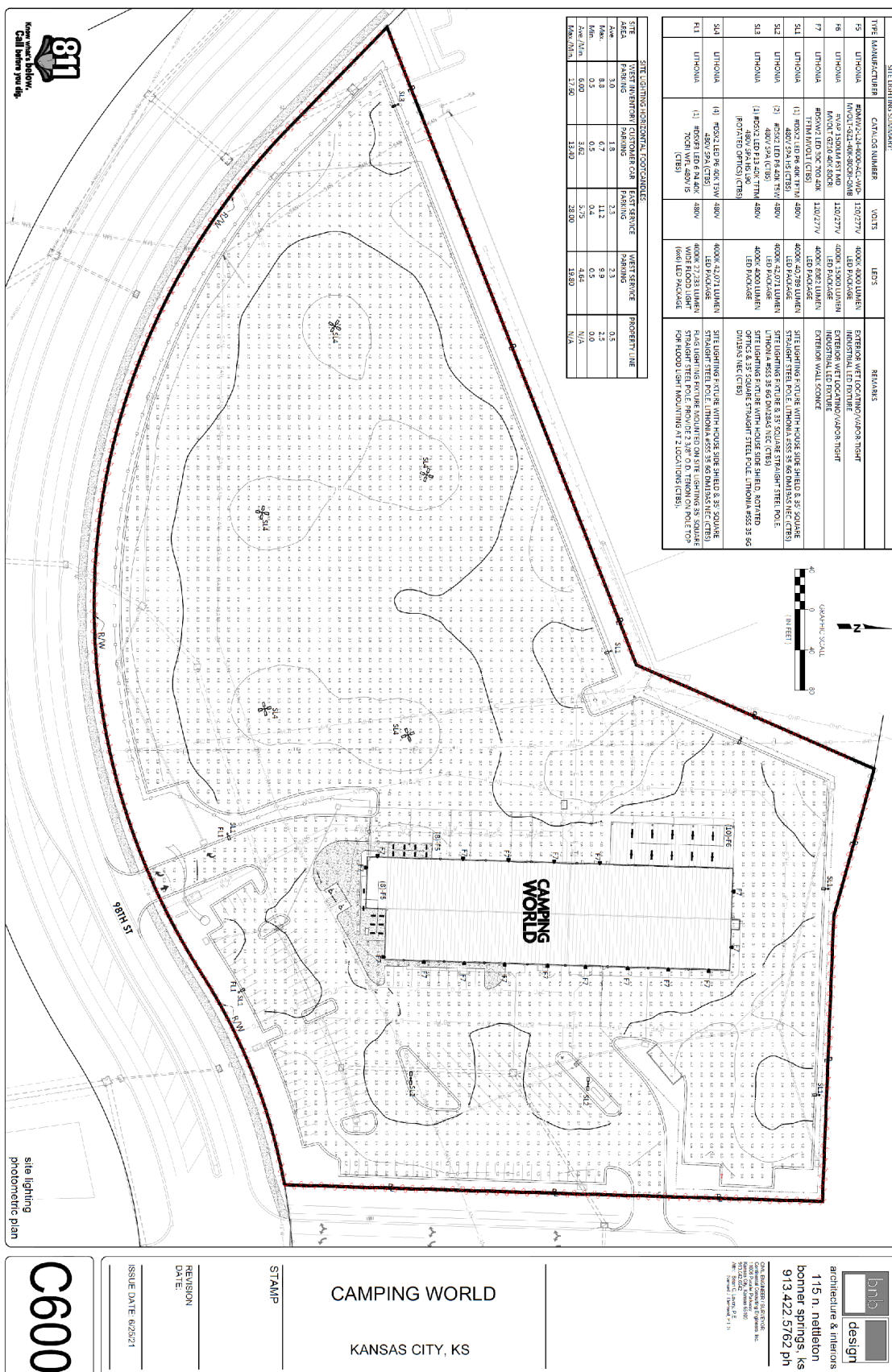
architecture & interiors

115 n. nettleton
bonner springs, ks
913.422.5762 ph

C400

ISSUE DATE: 6/25/21

STAMP



July 15, 2021

Name
Address
City/State/Zip

SUBJECT: Neighborhood Meeting

We have filed an application with the Department of Urban Planning and Land Use #COZ2021-022. The purpose of this:

- change of zone
- preliminary plan review

is for a Camping World located at the following address: 1201 N. 98th Street, Kansas City, Kansas 66111.

We are having a neighborhood meeting on **Monday, July 26, 2021 at 5:30 p.m.** via Zoom Video Conferencing:

Join Zoom Meeting

<https://zoom.us/j/95395035408?pwd=cmtzWDNDcmd0dE9YVHZFaXJyUy9TZz09>

To attend via telephone, dial:

1-312-626-6799

Meeting ID: 953 9503 5408

Passcode: 625381

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address/phone number listed below.

Sincerely,

Chris Doyle
Homefield - Construction Manager
816-985-7770
CDoyle@HomefieldKC.com

07/27/21

CAMPING WORLD - 1201 N. 98th St., Kansas City, KS 66111
NEIGHBORHOOD MEETING MINUTES:

Application Number COZ2021-022

Date and Location: 07/26/21, Meeting held on Zoom Video Conference

Meeting called to order at: 5:30 PM

Names of people in attendance:

1. Richard Napper – Homefield
2. Chris Doyle – Homefield
3. Erin Bardon – BnB Architects
4. Brian Lavery – Continental Engineering Consultants

Introductions: Richard Napper with Homefield (the Developer)

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said).

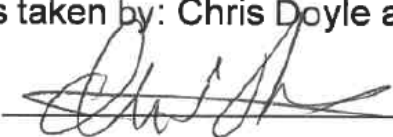
- Richard Napper opened the meeting and announced it was the Neighborhood Meeting for the Camping World Development located in Kansas City, Kansas. As there were no attendees other than the Developer and Design team, we awaited other attendees to join us for a period of 30 minutes. No other attendees joined the meeting, so at 6:00 PM Richard officially announced the conclusion of the Neighborhood Meeting and we adjourned.

Questions and answers (include the following):

- Who asked question or gave comment: There were no question or comments.
- What was the question or comment: There were no question or comments.
- Who answered the question/comment: NA
- What was the answer given: NA

Meeting adjourned at: 6:00 PM

Minutes taken by: Chris Doyle at Homefield (the Developer)

Signed  (Chris Doyle)

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)

) SS:

COUNTY OF Wyandotte)

Comes now Chris Doyle, of lawful age, sound mind and upon his oath states as follows:

1. That I am the petitioner for Petition #COZ2021-022.
2. That I conducted a neighborhood meeting on Camping World.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.



Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27th day of July, 2001. 2021

My commission expires 10th of Oct., 2024.



Notary Public

**LAURA L. ROEHRICH
NOTARY PUBLIC-NOTARY SEAL
STATE OF MISSOURI
JACKSON COUNTY
MY COMMISSION EXPIRES 10/27/2024
COMMISSION # 12446238**



Planning and Urban Design

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: Planning and Urban Design Staff
Date: August 26, 2021
Re: **Petition COZ2021-023**

GENERAL INFORMATION

Applicant:
Ahmad Al Marbu

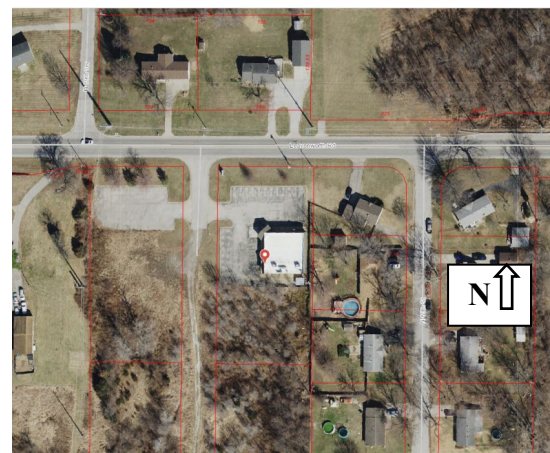
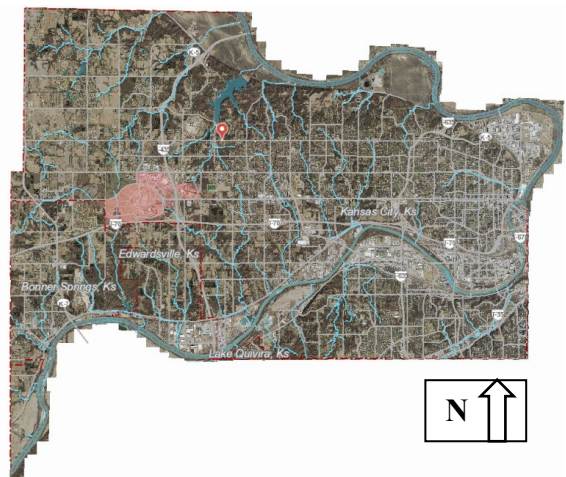
Status of Applicant:
Representative
Bartlett & West
544 Columbia Drive
Lawrence, KS 66049

Requested Actions:
Change of Zone from C-1 Limited Business
and R-1 Single Family Districts to CP-2
Planned General Business District.

Date of Application(s):
June 25, 2021

Purpose:
To build a convenience store/gas station and
gas canopy.

Property Location:
8919 Leavenworth Road



Commission Districts:	Commissioner At-Large: Melissa Bynum District #5 Commissioner: Michael (Mike) Kane
Existing Zoning:	C-1 Limited Business and R-1 Single Family Districts
Adjacent Zoning:	North: R-1 Single Family District South: R-2 Two Family District East: R-1 Single Family District West: C-1 Limited Business and R-1 Single Family Districts
Adjacent Uses:	North: Single family home South: Undeveloped land East: Single family homes West: Parking lot and undeveloped land
Total Tract Size:	0.95 Acre
Master Plan Area:	City-Wide Master Plan
Master Plan Designation:	The City-Wide Master Plan designates this property as Low Density Residential, which allows single-family detached residences, institutional uses such as elementary and middle schools, small churches (less than 5,000 square feet), libraries, parks, and open space. A Master Plan Amendment from Low Density Residential from Low Density Residential to Neighborhood Commercial is required.
Major Street Plan:	The Major Street Plan classifies Leavenworth Road as a Class B Thoroughfare.
Required Parking:	Sec. 27-466(e) Uses in this district require paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. Based on the 3,425 square foot building, fourteen (14) spaces are required. Fifteen (15) spaces are provided.
Advertisement:	<u>The Wyandotte Echo</u> – July 15, 2021 Letters to Property Owners – July 14, 2021 and August 19, 2021
Public Hearings:	August 9, 2021 and August 26, 2021
Public Support:	None to date.
Public Opposition:	On July 23, 2021 and July 28, 2021, Staff received communication from Arthur Berbeck and Bethany Vogel,

property owners at 8910 Leavenworth Road and 8951 Leavenworth Road, respectively opposing the proposed gas station and convenience store because of excess noise from trucks and vehicles, site lighting and traffic. There were 13 people on the Zoom meeting that spoke in opposition to this application. A protest petition has been submitted and Staff is reviewing and will have the percentage in opposition at the meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Ahmad Al Marbu with Olive LLC, wants to rezone the property from C-1 Limited Business and R-1 Single Family Districts to CP-2 Planned General Business District to demolish an existing building and construct a 3,435 square foot convenience store/gas station with eight (8) fuel pumps on 0.95 acre at 8919 Leavenworth Road.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-245 – 27-339

Code Enforcement History: There is no history of violations on this property.

FACTORS TO BE CONSIDERED

1. Neighborhood character

The area is dominated by two established single-family neighborhoods to the north and east and undeveloped land to the south and west. Across 89th Terrace, to the west is a parcel that is split-zoned C-1 and R-1, which would allow limited commercial uses.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.

The zoning and uses of properties nearby are set out above. The property is split zoned with the commercial portion on the corner of North 89th Terrace and Leavenworth Road. Shifting the building's placement from the center of the site to the northwest corner and relocating the parking to the side and rear will lessen the burden of the residents along the east property line related to parking, lighting, and noise.

3. The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property?

The proposed site plan will detrimentally affect nearby property because most of the parking, loading and maneuvering areas are on the east side of the property, which borders the single-family neighborhood.

4. *The length of time the property has remained vacant as zoned.*

The property has been vacant since 2006.

5. *The extent to which the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.*

The proposed use is not reasonably necessary for the convenience and welfare of the public. The applicant can build a convenience store/gas station with three (3) fuel pumps/dispensers within the C-1 Limited Business District. Constructing a gas station could substantially injure the visual quality or marketability of nearby property because of the noise, lighting and hours of operation that may be problematic for the single-family residences that are adjacent to the property.

6. *The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.*

The proposed development will increase traffic and parking demand on-site as the existing building is vacant and there is no traffic generated on the premises. North 89th Terrace is unimproved south of the driveway approach.

7. *The degree of conformance of the proposed use to the Master Plan.*

The proposed use does not conform to the City-Wide Master Plan. A Master Plan Amendment from Low Density Residential to Neighborhood Commercial is required.

8. *The extent to which the proposed use could cause environmental harm or enhance the environment.*

If the owner operates the business in the manner, where there are no neighbor complaints or Property Maintenance Compliance citations, this will not be an issue. Maintaining the existing slope along the west property line is important for the aesthetics of the abutting property owner.

9. *The extent to which utilities and public services are available and adequate to serve the proposed use.*

a. *Water service*

BPU provides water service.

b. *Sanitary sewer service*

UG provides sanitary sewer service.

c. Storm water control

To be designed to meet City Code.

d. Police

Police service is provided by West Patrol, District #222.

e. Fire

Fire service is provided by Fire Station #4 located at 81st Street and Leavenworth Road.

f. Transit

Kansas City ATA provide transit service in front of this property, Route 113.

g. Schools

Public education is provided by Kansas City Kansas USD 500.

h. Streets

To be designed to meet Public Works standards.

10. The economic impact of the proposed use on the community.

If the proposal is approved, the City will receive additional property and sales tax revenues because of the improvements made to the property.

11. The capability of the proposed use to meet applicable ordinance requirements.

The proposed use is capable of meeting applicable ordinance and other requirements with revisions and a Master Plan Amendment.

12. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal. If this application is denied, the owners will still have property that is able to be developed, however, not in the form they are currently proposing.

There must be a balance between the adjacent and nearby residential property owners' quality of life is protected and a vacant building and parking lot that will be demolished to build a convenience store/gas station.

PREVIOUS ACTIONS

According to the Appraiser's website, the 3,671 square foot building was constructed in 1991.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on July 23, 2021 via email and phone call. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Topography
Master Plan Amendment
Compliance with the Commercial Design Guidelines
Landscaping and Screening
Lighting
Noise
Traffic

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **DENIAL** of Change of Zone **COZ2021-023 due to traffic and safety concerns.**

STAFF COMMENTS AND SUGGESTIONS

Staff **does not** concur with the City Planning Commission.

Planning and Urban Design Comments:

General Planning:

1. A Master Plan Amendment from Low Density Residential to Neighborhood Commercial must be filed. Submit the application with the Final Development Plan.

Applicant Response: Understood.

2. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition

becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Applicant Response: Understood.

3. Per Business Licensing Division:
 - a. If approved, tenant will need to file and maintain a current occupation tax application.

Applicant Response: Understood.

4. What are the proposed hours of operation for convenience/gas station?

Applicant Response: Daily from 6:00 AM to 11:00 PM.

5. What time will trucks fill the underground storage tanks?

Applicant Response: Typically, between 9:00 AM and 2:00 PM – a specific time can be requested.

6. Parking lot shall be repaved and striped.

Applicant Response: Provided.

7. Sec. 27-575(e)(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind buildings or in the interior of a block.

Applicant Response: Provided.

8. Sec. 27-575(e)(3) Parking located between front of building and street right-of-way must provide an additional twenty (20) feet of landscaped area in addition to the required setback.

Applicant Response: Provided.

9. Sec. 27-575(e)(4) Parking must be screened from adjacent streets by walls, shrubs, trees, or design elements.

Applicant Response: Provided.

10. Sec. 27-575(d)(9) To the maximum extent possible, there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems.

Applicant Response: A sidewalk connection from 89th Terrace to the building will be provided.

Staff Response: A sidewalk shall extend from 89th Terrace to the secondary entrance on the west side of the building.

11. Sec. 27-575(d)(11) Internal pedestrian walkways within the parking lot or drive area must be distinguished from other surfaces.

Applicant Response: Pavement striping will be provided.

12. Sec. 27-575(d)(13) Site design should integrate and facilitate access to public transit.

Applicant Response: Sidewalk from the store to the public sidewalk will be provided.

Building Architecture:

1. Sec. 27-576(c)(1) Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of the building.

Applicant Response: Building design will meet all the design requirements. Quality materials, elements, and detailing will be on all four (4) sides of the building.

2. Sec. 27-576(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than forty-five (45) feet in length should be divided into increments of no more than forty-five (45) feet through the facades. This can be achieved through combinations of at least three (3) of the following techniques:
 - a. Divisions or breaks in materials;
 - b. Building offsets (projections, recess, niches);
 - c. Window bays;
 - d. Separate entrances and entry treatments; or
 - e. Variation in rooflines.

There is a separate entry on the west elevation and elevations indicate building offsets, although the site plan does not indicate articulation on the building. The elevations depict two (2) primary building materials, brick, and stucco.

Much of the building is true stucco, which is listed as an approved exterior building material, however, the intent of the guidelines is ensure that good design incorporates and combines design theme, building façade materials, colors, roof, and equipment.

Applicant Response: All four sides of the building will incorporate variations in approved materials, colors, rooflines, and building projects. The roof equipment will be screened on all four sides.

3. Sec. 27-575(f)(2) Building should be located in such a manner as to minimize conflicts between pedestrians and automobiles.

Applicant Response: Provided.

4. Sec. 27-575(f)(3) Buildings should be oriented primarily to the street.

The building should be orientated towards the northeast corner of the site, closer to North 89th Terrace and Leavenworth Road. The pumps and canopy could be oriented on the west side of the building, whereas the building can be on the within twenty-five (25) feet of Leavenworth Road to comply with the CP-2 setbacks. See the redline markup of the landscape plan.

Applicant Response: The current proposed site layout is the only way the project will function. Due to the slope of the topography, the entry has to be located as far north along 89th Terrace as possible. The building has to be placed toward the south of the property to allow for enough parking and fuel truck turning radius around the pump canopy, as well as to maintain visual surveillance for staff to monitor the gas pumps.

Staff Response: The applicant seeks a deviation from the Commercial Design Guidelines regarding the location and orientation of the building, gas pumps and off-street parking in proximity to Leavenworth Road and 89th Terrace.

5. Gas canopy columns shall be wrapped in masonry.

Applicant Response: Provided.

Landscaping and Screening:

1. Keep existing full growth trees along Leavenworth Road and along the east property line.

Applicant Response: Provided.

2. All screening is to be maintained to minimize impacts of conflicting uses.

Applicant Response: Provided.

3. Sec. 27-466(g) Trees are required at not less than one (1) per 7,000 square feet of site area. Six (6) foot high architectural screening in combination with a landscaped buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property. The architectural screen can either be fencing or landscaping. The fence shall be comprised of wood with masonry columns every thirty-two (32) feet running.

Per Sec. 27-277(a)(5) Landscaping shall exceed the typical code requirements by a least 75 percent. The site for the proposed development is 0.95 acres, ten (10) trees are required based on Commercial Design Guidelines and exclusive of

the screening requirements for the lots zoned CP-2 Planned General Business District adjacent to residentially zoned properties, street trees and trees planted within parking lot islands.

Applicant Response: Provided.

Staff Response: The privacy fence shall extend south from the northernmost parking stall along the east property line and continue west along the south property line to the edge of pavement. The masonry columns on the fence shall match the brick on the building. Trees and shrubs shall be installed on the outside of the fence, facing the single-family homes and residential zoning.

4. Sec. 27-577(b)(1) New construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements forty (40) feet wide or greater. This requirement may be reduced to twelve (12) feet where there is no paving, other than a sidewalk, between a building and the right-of-way. The distance is to be measured from the public right-of-way or curblin of a private easement.

Applicant Response: Provided.

5. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of thirty (30) inches at maturity.

Applicant Response: Provided.

Staff Response: Install a small retaining wall (less than three and one-half feet (3-½) feet) north of the fuel tanks and plant additional shrubs and trees in the landscape buffer to screen vehicle headlights from residences across Leavenworth Road.

6. Sec. 27-577(d)(1) At least 75 percent of the length of the building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.

Applicant Response: Provided.

7. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - a. One tree with a minimum caliper of two (2) inches (ornamental), evergreen trees must be at least six (6) feet when planted provided for every thirty (30) feet of street easement or frontage.
 - b. Street trees should be planted no closer than fifty-five (55) feet and no more than sixty-five (65) feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees.

Applicant Response: Understood.

8. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted.

Applicant Response: Understood.

9. All landscaping shall be irrigated.

Applicant Response: An irrigation system will be incorporated.

10. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.
 - a. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.

Applicant Response: Provided.

11. BPU transformer pad shall be completely screened on three (3) sides with six (6) foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer.

Applicant Response: Provided.

12. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view the parapet.

Applicant Response: Provided.

13. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6) evergreens or an architectural wall constructed from the same materials as the main building.

Applicant Response: Understood.

14. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining

residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way.

In addition to vertical glare, lighting may not cast horizontally on adjacent properties.

Applicant Response: All exterior lighting will be down directional only.

15. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures. Additionally, this includes lighting installed underneath the canopy.

Applicant Response: All exterior lighting will be down directional only.

Signage:

1. Shall comply with the sign code.

Applicant Response: All signage will comply with the sign code.

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval:
 - 1) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2021-023** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

- 1. A Master Plan Amendment from Low Density Residential to Neighborhood Commercial must be filed. Submit the application with the Final Development Plan;**
- 2. Per Business Licensing Division:**
 - a. If approved, tenant will need to file and maintain a current occupation tax application.**
- 3. Parking lot shall be repaved and striped;**

4. **Sec. 27-575(e)(4)** Parking must be screened from adjacent streets by walls, shrubs, trees, or design elements;
5. **Sec. 27-575(d)(9)** To the maximum extent possible, there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems. A sidewalk shall extend from 89th Terrace to the secondary entrance on the west side of the building;
6. **Sec. 27-575(d)(11)** Internal pedestrian walkways within the parking lot or drive area must be distinguished from other surfaces. A hatched crosswalk shall extend from the easternmost parking space from the building northeast through the parking lot to the southernmost parking space along the east property line;
7. **Sec. 27-575(d)(13)** Site design should integrate and facilitate access to public transit;
8. Gas canopy columns shall be wrapped in masonry;
9. Keep existing full growth trees along Leavenworth Road and along the east property line;
10. All screening is to be maintained to minimize impacts of conflicting uses;
11. **Sec. 27-466(g)** Trees are required at not less than one (1) per 7,000 square feet of site area. Six (6) foot high architectural screening in combination with a landscaped buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property. The architectural screen can either be fencing or landscaping. The fence shall be comprised of wood with masonry columns every thirty-two (32) feet on center.

Per Sec. 27-277(a)(5) Landscaping shall exceed the typical code requirements by a least 75 percent. The site for the proposed development is 0.95 acres, ten (10) trees are required based on Commercial Design Guidelines and exclusive of the screening requirements for the lots zoned CP-2 Planned General Business District adjacent to residentially zoned properties, street trees and trees planted within parking lot islands.

The privacy fence shall extend south from the northernmost parking stall along the east property line and continue west along the south property line to the edge of pavement. The masonry columns on the fence shall match the brick on the building. Trees and shrubs shall be installed on the outside of the fence, facing the single-family homes and residential zoning;

12. **Sec. 27-577(b)(2)** Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of thirty (30) inches at maturity;
13. **Sec. 27-577(d)(1)** At least 75 percent of the length of the building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.

- 14. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:**
- a. One tree with a minimum caliper of two (2) inches (ornamental), evergreen trees must be at least six (6) feet when planted provided for every thirty (30) feet of street easement or frontage.**
 - b. Street trees should be planted no closer than fifty-five (55) feet and no more than sixty-five (65) feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees.**
- 15. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted.**
- 16. All landscaping shall be irrigated.**
- 17. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.**
- a. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;**
- 18. BPU transformer pad shall be completely screened on three (3) sides with six (6) foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;**
- 19. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view of the parapet;**
- 20. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6) evergreens or an architectural wall constructed from the same materials as the main building;**
- 21. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way; In addition to vertical glare, lighting may not horizontally cast on adjacent properties;**
- 22. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. Additionally, this includes lighting installed underneath the canopy;**

23. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
24. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,
25. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

ATTACHMENTS

August 9, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Conservation District Comments
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Grading Plan
Landscape Plan
Building Elevations
Site Photography provided by Staff dated July 14, 2021

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	August 9, 2021	August 26, 2021
Rezoning	Approval	

STAFF CONTACT: **Byron Toy, AICP**
 btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2021-023** as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2021-023** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

August 9, 2021 City Planning Commission Minutes:

Hearing starts at 2:39:11:

CHANGE OF ZONE APPLICATION COZ2021-023 – AHMAD ALMARBU WITH OLIVE LLC - SYNOPSIS: Change of Zone from R-1 Single Family and C-1 Limited Business Districts to CP-2 Planned General Business District for a proposed gas station and convenience store at 8919 Leavenworth Road.

Detailed Outline of Requested Action: The applicant, Ahmad Al Marbu with Olive LLC, wants to rezone the property from C-1 Limited Business and R-1 Single Family Districts to CP-2 Planned General Business District to demolish an existing building and construct a 3,435 square foot convenience store/gas station with eight (8) fuel pumps on 0.95 acre at 8919 Leavenworth Road.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-245 – 27-339

Code Enforcement History: There is no history of violations on this property.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated August 9, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Chris Woods, Woods Architects, representing the applicant, 8509 West 145th Terrace, Overland Park, Kansas

Present in Opposition:

- Anthony Wilson, 3032 North 89th Street, Kansas City, Kansas 66109
- Jeremy Budde, 3033 North 89th Street, Kansas City, Kansas 66109
- Ashley Hille, 3132 East Townsend Court, Kansas City, Kansas 66109
- Sadie McMillian, 3217 East Townsend Court, Kansas City, Kansas 66109
- Phyllis Moore, 3238 Townsend Court, Kansas City, Kansas 66109
- James and Bethany Vogel, 8951 Leavenworth Road, Kansas City, Kansas 66109
- Jessica Hamilton, 3210 East Townsend Court, Kansas City, Kansas 66109
- Arthur Verbeck, 8910 Leavenworth Road, Kansas City, Kansas 66109
- Shannon Callahan, 3224 East Townsend Court, Kansas City, Kansas
- Joanne and Daniel Ibarra, 3237 East Townsend Court, Kansas City, Kansas 66109
- Brandon Hille, 3132 East Townsend Court, Kansas City, Kansas 66109

Staff Recommendation starts at 3:25:35: Planning Director Hand stated that this parcel has split zoning (half is R-1 and the other half is C-1). One of the conditions of approval is that the applicant will file a retroactive Master Plan Amendment application if granted the Change of Zone. Staff is recommending approval of the application to CP-2 Planned General Business District. This project is in the north Mid-Town area and is just outside the Prairie-Delaware-Piper Master Plan area. The plan proposes using the entire site and staff is requesting that they maintain as many of the trees on-site as possible as they provide a better buffer than removing the trees and installing new landscaping. There has been a lot of opposition this evening and staff tried to mitigate those concerns in working with the applicant to screen the north, east and southern property lines. Staff conditioned access off 89th Street instead of Leavenworth Road restricting access directly onto Leavenworth Road. Director Hand stated that the applicant is requesting a deviation from the Commercial Design Guidelines due to the constraints of the site. With the exception of the one (1) deviation Staff feels that they have worked with the applicant to comply with the rest of the guidelines in terms of pedestrian connectivity, articulation and building elevations. He stated that there were no letters in support and there were letters and those present this evening in opposition. There are no Notices of Violation on the property. With the conditions in the staff report, staff recommends approval. Planning Engineering and Planning Staff did not request a traffic study because Leavenworth Road is a State Highway, which was designed to accommodate this type of small, in-fill commercial development.

Motion and Vote starts at 3:29:00:

On motion by Ms. Pauley, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **DENIAL** of **Change of Zone Application COZ2021-023 due to traffic and safety concerns:**

Carson **Chairman**
Armstrong **Aye**

Cho	Not Present
Connelly	Not Present
Ernst	Aye
Hill	Aye
Huey	Not Present
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye

Motion to RECOMMEND DENIAL Passed: 6 to 0



Figure 1. Aerial Map of 8919 Leavenworth Road (provided by UG Maps).



Figure 2. Zoning Map of 8919 Leavenworth Road (provided by UG Maps).

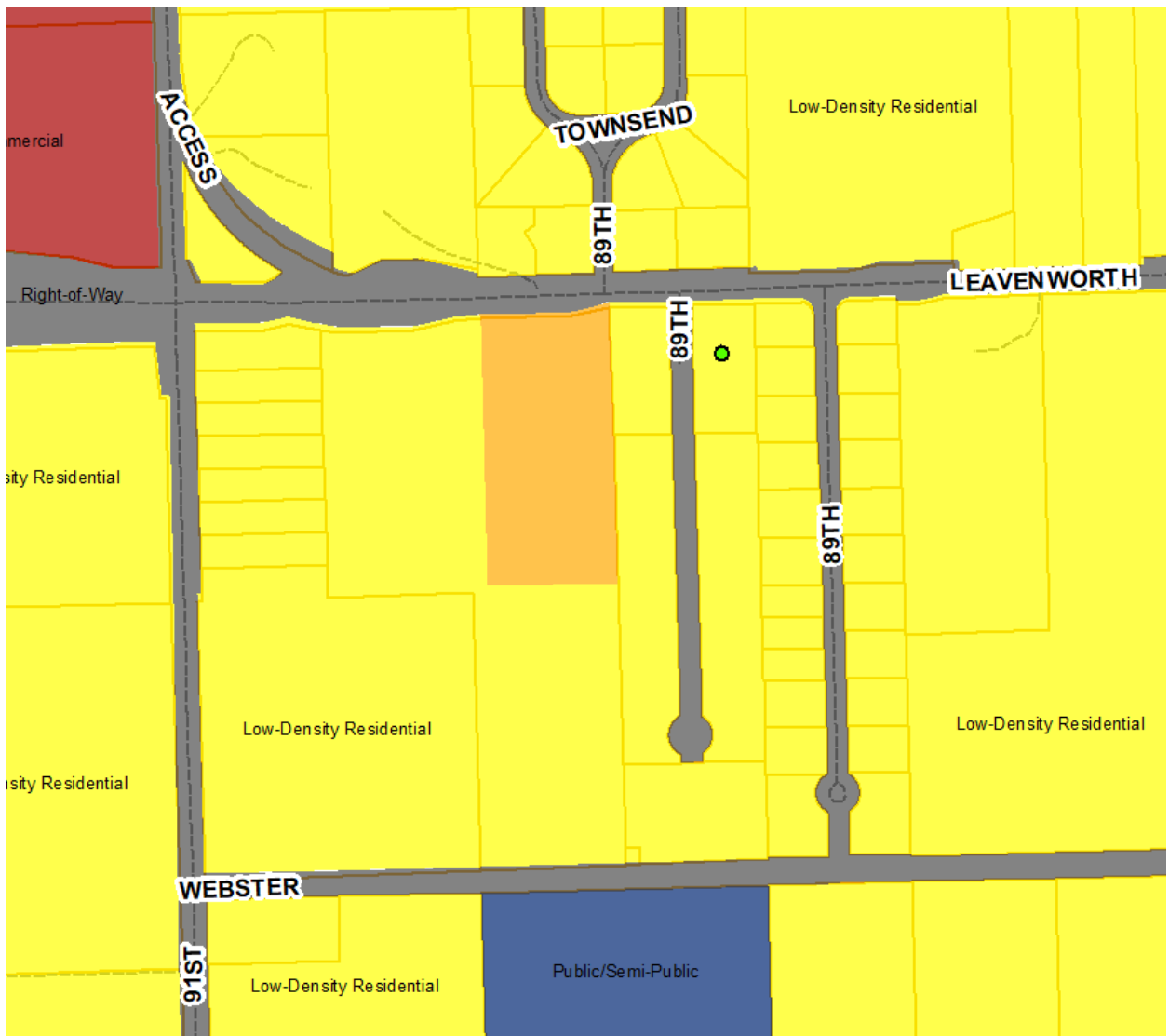


Figure 3. City-Wide Master Plan Land Use Map of 8919 Leavenworth Road (provided by Arc Map).



Wyandotte County Conservation District
1204 N. 79th Street - Kansas City, KS 66112 - Phone (913)-334-6329 -
wyco.conservaion@gmail.com

Gunnar H. Hand
Director of Planning
701 North 7th Street Rm. 423
Kansas City, KS 66101
913-573-5750

July 13, 2021

RE: COZ2021-023 Ahmad Al Marbu with Olive LLC, R-1 and C-1 to CP-2 for gas station and convenience store at 8919 Leavenworth Road

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: COZ2021-023 Ahmad Al Marbu with Olive LLC, R-1 and C-1 to CP-2 for gas station and convenience store at 8919 Leavenworth Road.

In addition to the site review the following reports were generated from the Wyandotte County Soil Survey to assess the limitations for development and/or natural resources concerns for this site.

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Dwellings and Small Commercial Buildings
Soil Features

In summary, the following limitations and resource concerns were noted for this plat:

- There are two major soil types identified: Knox silt loam, 7 to 12 percent slopes and Gosport-Sogn complex, 7 to 35 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- If there is a large grading area, an Erosion Control Plan (ECP) will be needed to prevent soil erosion.
- When any grading is done, the steep area to the south needs to be protected.
- Silt fence or other protection to the east will be needed to prevent erosion onto neighbors' properties.
- When each area is graded, that area needs to be mulched and seeded to prevent any further soil loss.

Technical assistance is available from our office. Limitation maps, detail soil reports and a conservation plan can also be requested for this site from our office.

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural soils and drainage pattern may have been changed in this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however, some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineation on the maps includes soils that differ from the named soil. Soil lines may not be exact; therefore, on site investigation is needed for site specific planning.

If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller
District Manager

enclosures

To be designed to meet Public Works standards.

10. The economic impact of the proposed use on the community.

If the proposal is approved, the City will receive additional property and sales tax revenues because of the improvements made to the property.

11. The capability of the proposed use to meet applicable ordinance requirements.

The proposed use is capable of meeting applicable ordinance and other requirements with revisions and a Master Plan Amendment.

12. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal. If this application is denied, the owners will still have property that is able to be developed, however, not in the form they are currently proposing. There must be a balance between the adjacent and nearby residential property owners' quality of life is protected and a vacant building and parking lot that will be demolished to build a convenience store/gas station.

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

General Planning:

1. A Master Plan Amendment from Low Density Residential to Neighborhood Commercial must be filed. Staff will check that box on the application, however, this will result in the Change of Zone petition being continued for one (1) month.
 - o Understood
2. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
 - o Understood
3. Per Business Licensing Division: a. If approved, tenant will need to file and maintain a current occupation tax application.
 - o Understood
4. What are the proposed hours of operation for convenience/gas station?

- 6am – 11pm Daily
- 5. What time will trucks fill the underground storage tanks?
 - Typically between 9am and 2pm – a specific time window can be requested
- 6. Parking lot shall be repaved and striped.
 - Provided
- 7. Sec. 27-575(e)(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind buildings or in the interior of a block.
 - Provided
- 8. Sec. 27-575(e)(3) Parking located between front of building and street right-of-way must provide an additional twenty (20) feet of landscaped area in addition to the required setback.
 - Provided
- 9. Sec. 27-575(e)(4) Parking must be screened from adjacent streets by walls, shrubs, trees, or design elements.
 - Provided
- 10. Sec. 27-575(d)(9) To the maximum extent possible, there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems.
 - A sidewalk connection from 89th Street Terrace to the building will be provided.
- 11. Sec. 27-575(d)(11) Internal pedestrian walkways within the parking lot or drive area must be distinguished from other surfaces.
 - Pavement striping will be provided.
- 12. Sec. 27-575(d)(13) Site design should integrate and facilitate access to public transit.
 - Sidewalk from the store to the public sidewalk will be provided.

Building Architecture:

1. Sec. 27-576(c)(1) Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of the building.

- Building Design will meet all the design requirements. Quality materials, elements, and detailing, will be on all four sides of the building.

2. Sec. 27-576(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than forty-five (45) feet in length should be divided into increments of no more than forty-five (45) feet through the facades. This can be achieved through combinations of at least three (3) of the following techniques:

- a. Divisions or breaks in materials;
- b. Building offsets (projections, recess, niches);
- c. Window bays;
- d. Separate entrances and entry treatments; or
- e. Variation in rooflines.

- Building Design will meet all the design requirements. Quality materials, elements, and detailing, will be on all four sides of the building.

There is a separate entry on the west elevation and elevations indicate building offsets, although the site plan does not indicate articulation on the building. The elevations depict two (2) primary building materials, brick, and stucco.

Much of the building is true stucco, which is listed as an approved exterior building material, however, the intent of the guidelines is ensure that good design incorporates and combines design theme, building façade materials, colors, roof, and equipment.

- All four sides of the building will incorporate variations in approved materials, colors, rooflines, and building projects. The roof equipment will be screened on all four sides.

3. Sec. 27-575(f)(2) Building should be located in such a manner as to minimize conflicts between pedestrians and automobiles.

- Provided

4. Sec. 27-575(f)(3) Buildings should be oriented primarily to the street. The building should be orientated towards the northeast corner of the site, closer to North 89th Terrace and Leavenworth Road. The pumps and canopy could be oriented on the west side of the building, whereas the building can be on the within twenty-five (25) feet of Leavenworth Road to comply with the CP-2 setbacks. See the redline markup of the landscape plan.

-
- The current proposed site layout is the only way the project will function. Due to the slope of the topography, the entry has to be located as far north along 89th Street Terrace as possible. The building has to be placed toward the south of the property to allow for enough parking and fuel truck turning radius around the pump canopy, as well as to maintain visual surveillance for staff to monitor the gas pumps.
5. Gas canopy columns shall be wrapped in masonry.
- Provided

Landscaping and Screening:

1. Keep existing full growth trees along Leavenworth Road and along the east property line.
 - Provided
2. All screening is to be maintained to minimize impacts of conflicting uses.
 - Provided
3. Sec. 27-466(g) Trees are required at not less than one (1) per 7,000 square feet of site area. Six (6) foot high architectural screening in combination with a landscaped buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property. The architectural screen can either be fencing or landscaping. The fence shall be comprised of wood with masonry columns every thirty-two (32) feet on center.
 - Provided
4. Per Sec. 27-277(a)(5) Landscaping shall exceed the typical code requirements by a least 75 percent. The site for the proposed development is 0.95 acres, ten (10) trees are required based on Commercial Design Guidelines and exclusive of the screening requirements for the lots zoned CP-2 Planned General Business District adjacent to residentially zoned properties, street trees and trees planted within parking lot islands.
 - Provided
5. Sec. 27-577(b)(1) New construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements forty (40) feet wide or greater. This requirement may be reduced to twelve (12) feet where there is no paving, other than a sidewalk, between a building and the right-of-way. The distance is to be measured from the public right-of-way or curbline of a private easement.
 - Provided

6. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of thirty (30) inches at maturity.
 - Provided
7. Sec. 27-577(d)(1) At least 75 percent of the length of the building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.
 - Provided
7. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - a. One tree with a minimum caliper of two (2) inches (ornamental), evergreen trees must be at least six (6) feet when planted provided for every thirty (30) feet of street easement or frontage.
 - b. Street trees should be planted no closer than fifty-five (55) feet and no more than sixty-five (65) feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees.
 - Understood
8. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted.
 - Understood
9. All landscaping shall be irrigated.
 - An irrigation system will be incorporated.
10. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.
 - a. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.
 - Provided

11. BPU transformer pad shall be completely screened on three (3) sides with six (6) foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer.

- Provided

12. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view the parapet.

- Provided

13. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6) evergreens or an architectural wall constructed from the same materials as the main building.

- Understood

14. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way.

In addition to vertical glare, lighting may not horizontally cast on adjacent properties.

- All exterior lighting will be down directional only.

15. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures. Additionally, this includes lighting installed underneath the canopy.

- All exterior lighting will be down directional only.

Signage:

-
1. Shall comply with the sign code.

- o All signage will comply with the sign code.

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:

- 1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.

- o Provided

- 2) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.

- o Understood

- B) Items that are conditions of approval:

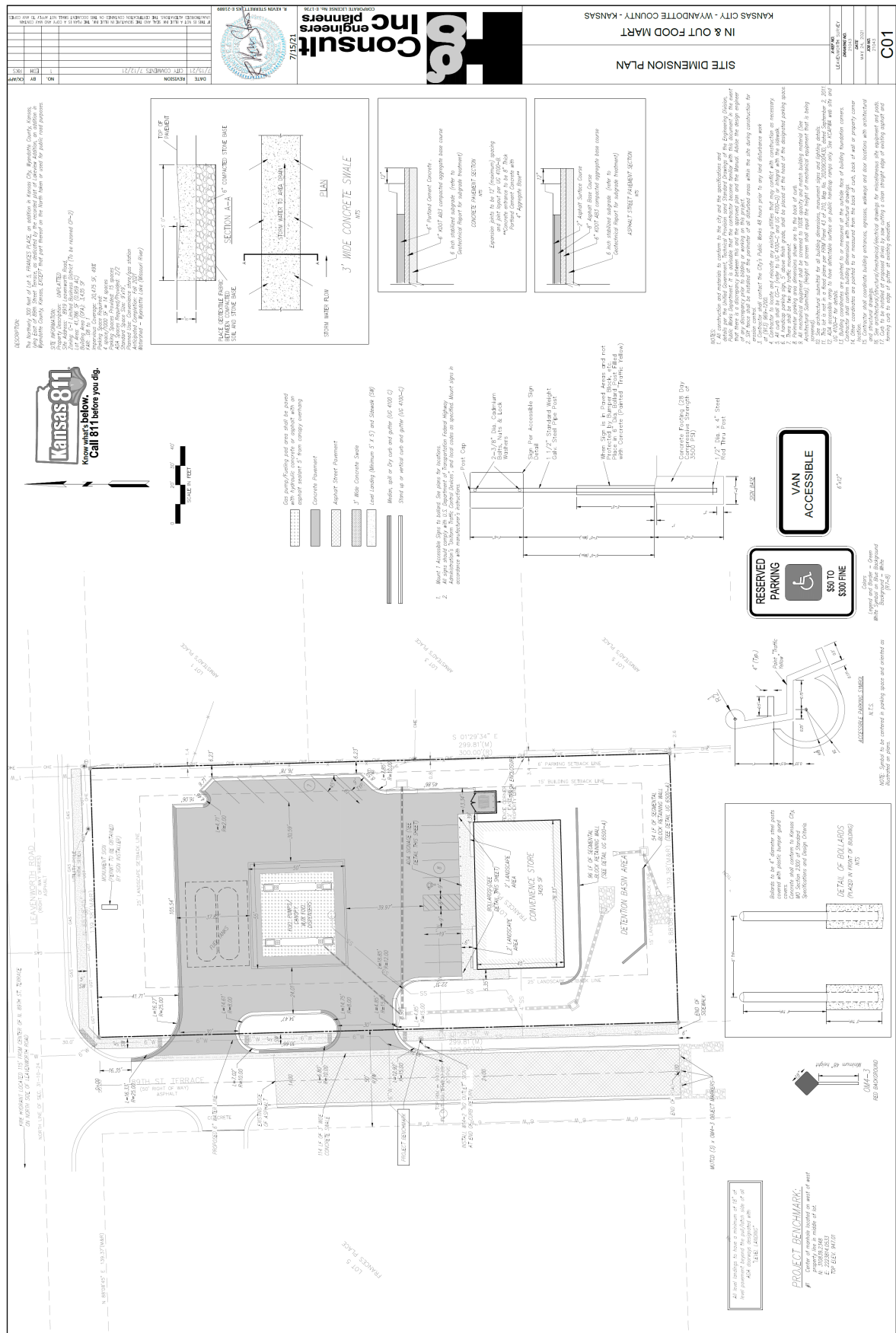
- 1) None

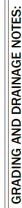
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

- 1) None

Letters to the list of neighbors provided by the UG were mailed out on July 12th, 2021. Said Letter stated that the architect and civil engineer would receive calls for questions or comments in regard to the project from Monday, July 19th, 2021 through Friday, July 23rd, 2020 from 1 pm til 6 pm.

<u>Name of Caller</u>	<u>Question or Comment</u>	<u>Response</u>
Debbie Wolcott	Distance of building to E. Property Line?	33'
	Distance from building to Leavenworth Road?	197'
	Is there sidewalk on Leavenworth Road?	Yes
	Will there be fence for screening on East property line?	Currently Not shown, Can be added
	Are there lights on back of building?	No
	Pump Canopy Location?	North of building
	Detention Pond dimensions?	72'x26' at top
Tony Puckett	Will there be fencing for screening on South Property Line?	Not Shown. Can be added





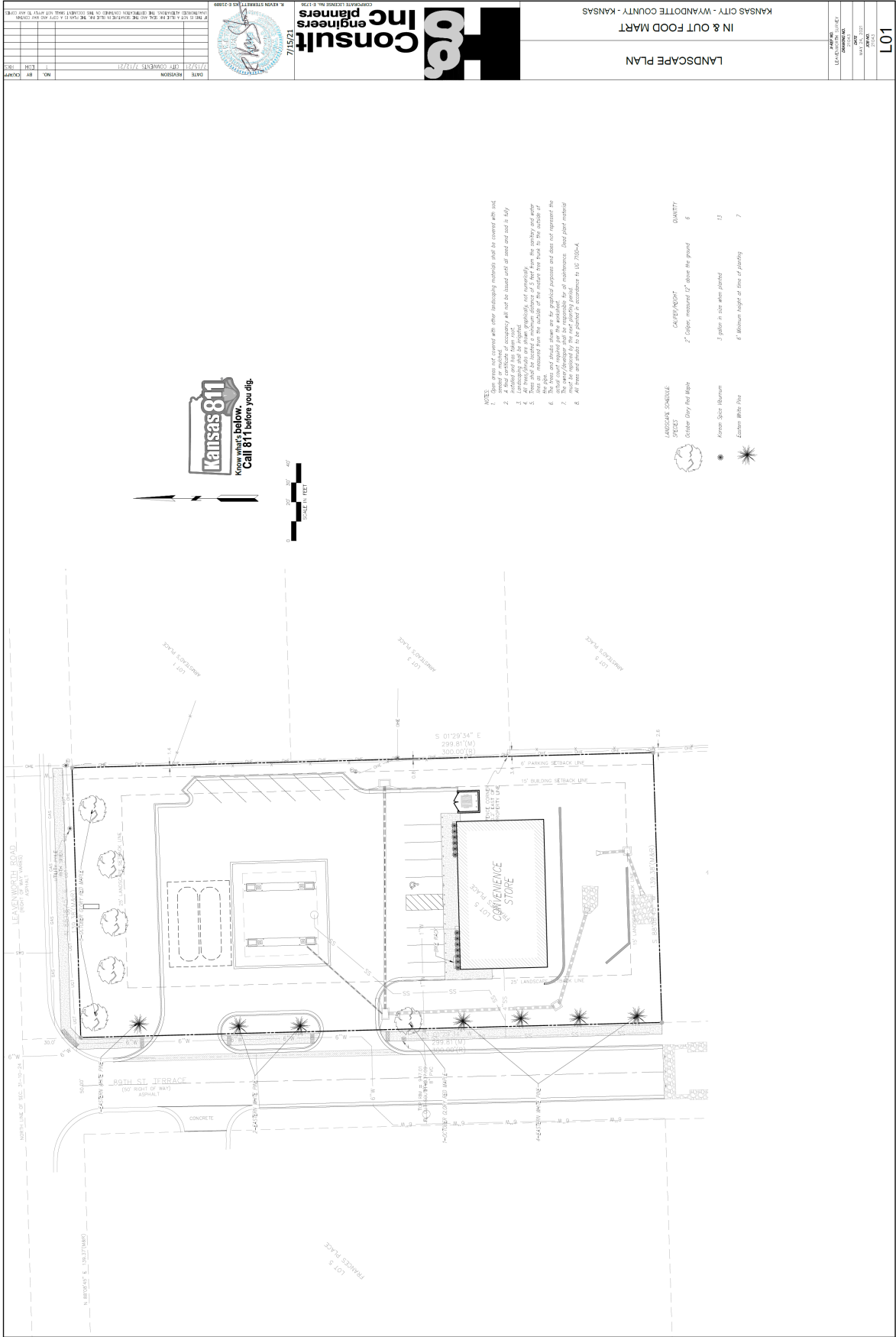












Figure 4. Site Photograph of 8919 Leavenworth Road taken on July 14, 2021 (provided by Staff).



Figure 4. Site Photograph of 8919 Leavenworth Road taken on July 14, 2021 (provided by Staff).



Figure 5. Site Photograph of 8919 Leavenworth Road taken on July 14, 2021 (provided by Staff).



Figure 6. Site Photograph of 8919 Leavenworth Road taken on July 14, 2021 (provided by Staff).



Planning and Urban Design

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: Planning and Urban Design Staff
Date: August 26, 2021
Re: **Petition COZ2021-024**

GENERAL INFORMATION

Applicant:
Ron Wu

Status of Applicant:
Representative
204 Shadow Oaks
Irvine, CA 92618

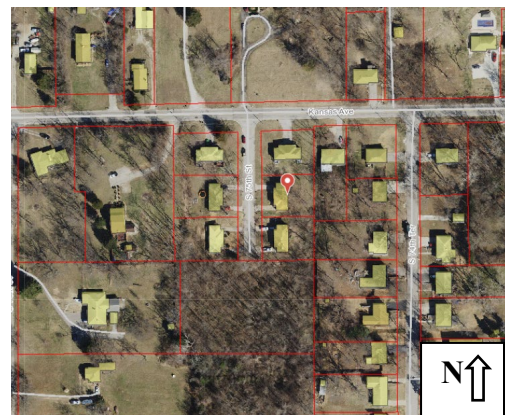
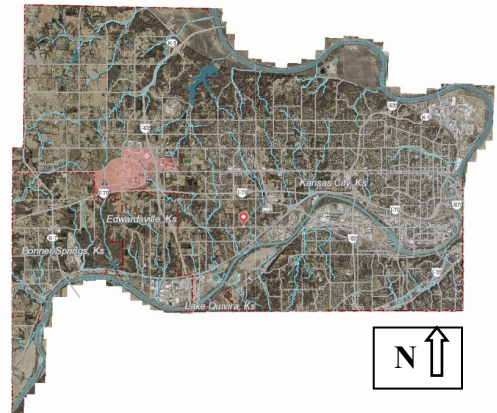
Requested Actions:
Change of Zone from R-1 Single Family District to
R-2 Two Family District.

Date of Application(s):
June 25, 2021

Purpose:
To continue to use the residential structure as a
duplex.

Property Location:
609 – 611 South 75th Street

Commission Districts:
Commissioner At-Large: Tom Burroughs
District #7 Commissioner: Jim Walters



Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Duplex South: Duplex East: Single family home West: Duplex
Total Tract Size:	0.48 Acres
Master Plan Area:	City-Wide Master Plan
Master Plan Designation:	The City-Wide Master Plan designates this property as Low Density Residential, which allows single-family detached residences, institutional uses such as elementary and middle schools, small churches (less than 50,000 square feet), libraries, parks and open space.
Major Street Plan:	The Major Street Plan classifies South 75 th Street as a Local Street and Kansas Avenue as a Class C Thoroughfare.
Required Parking:	Sec. 27-456(d) Two (2) off-street parking spaces shall be provided on the premises for each dwelling unit, at least one of which shall be in a garage or carport. When no more than two (2) off-street parking spaces are provided for each dwelling unit on the premises, and when the lot has less than twenty (20) feet of continuous street curb length for each dwelling unit, and where visitor and guest parking spaces are not provided elsewhere, the front yard setback measure from the front lot line to the garage door shall not be less than thirty-six (36) feet, and space shall be provided in the drive for the parking of two (2) passenger cars for each dwelling unit. Four (4) parking spaces are required. Four (4) spaces are provided, two (2) of which are in a garage.
Advertisement:	<u>The Wyandotte Echo</u> – July 15, 2021 Letters to Property Owners – July 14, 2021 and August 20, 2021
Public Hearings:	August 9, 2021 and August 26, 2021
Public Support:	None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Ron Wu, wants to rezone the property from R-1 Single Family District to R-2 Two Family District and amend the City-Wide Master Plan from Low Density Residential to Medium Density Residential at 609 – 611 South 75th Street to purchase the property, which is being used as a duplex and correct the zoning of the property to reflect the use.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-245 – 27-339

Code Enforcement History: There were Code Enforcement citations on the property from 2016 – 2018 for weeds, furniture outside the property and trash.

FACTORS TO BE CONSIDERED

1. Neighborhood character

The character of the neighborhood is exclusively comprised of duplexes on South 75th Street, with single-family homes to the east. This area, south of Kansas Avenue is a small, established neighborhood.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.

The zoning and uses of properties nearby are set out above. The proposed use is compatible with them because the block is entirely comprised of duplexes.

3. The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property?

The removal of the restrictions will not detrimentally affect nearby property because the duplex was constructed in 1971, prior to annexation in 1972.

4. The length of time the property has remained vacant as zoned.

The property may be vacant because the rental license expired April 30, 2021.

5. The extent to which the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.

The proposed use is reasonably necessary for the convenience and welfare of the public as housing, specifically attached-single family, otherwise known as

duplexes, provide an alternate housing choice for the community, and it will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property. This rezoning is correcting a legal, non-conforming structure and use that has existed since 1971.

6. *The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.*

The proposed development will not increase the traffic or parking demand in ways that will adversely affect road capacity, safety, or create parking problems because the use is existing and there are no changes proposed on the property.

7. *The degree of conformance of the proposed use to the Master Plan.*

The proposed use does not conform to the Low-Density Residential designation; therefore, an amendment has been filed to comply with the use.

8. *The extent to which the proposed use could cause environmental harm or enhance the environment.*

This is not applicable as the proposed use is not changing or expanding but is simply changing ownership.

9. *The extent to which utilities and public services are available and adequate to serve the proposed use.*

a. *Water service*

BPU provides water service.

b. *Sanitary sewer service*

UG provides sanitary sewer service.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

Police service is provided by South Patrol, District #221.

e. *Fire*

Fire service is provided by Fire Station #20 located at 78th Street and Kansas Avenue.

f. Transit

Kansas City ATA does not provide transit service near this property.

g. Schools

Public education is provided by Turner USD 202.

h. Streets

To be designed to meet Public Works standards.

10. The economic impact of the proposed use on the community.

The proposed use will have a minimal economic impact on the community.

11. The capability of the proposed use to meet applicable ordinance requirements.

The proposed use is capable of meeting applicable ordinance and other requirements.

12. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner is minimal. If the application is denied, the property will need be converted to a single-family home.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on July 21, 2021 by Virtual Meeting (Zoom). Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Existing Legal, Non-conforming Use

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone **COZ2021-024**, subject to:

1. **File a Master Plan Amendment from Low Density Residential (City-Wide Master Plan) to Medium Density Residential (City-Wide Master Plan) that corresponds with the rezoning petition;**
2. **Please refer to the approved tree list (in the attachments). Trees shall be planted in the front yard. Prior to planting, call a utility location service to mark utilities;**
3. **If rented, a rental license from Rental Licensing shall be obtained for two (2) dwelling units; and,**
4. **Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2021-024** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

August 9, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Wyandotte County Parks Department Street Tree List
Applicant Response Letter
Neighborhood Meeting Minutes
1971 County Building Permit
Site Photography provided by the Applicant.

REVIEW OF INFORMATION AND SCHEDULE

Action _____
Public Hearing _____
Rezoning _____

Planning Commission
August 9, 2021
Approval

Unified Government of Board of Commissioners
August 26, 2021

STAFF CONTACT: **Byron Toy, AICP**
 btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2021-024** as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2021-024** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

August 9, 2021 City Planning Commission Minutes:

Hearing starts at 3:30:35:

CHANGE OF ZONE APPLICATION COZ2021-024 – RON WU – SYNOPSIS: Change of Zone from R-1 Single Family District to R-2 Two Family District for an existing duplex at 609 and 611 South 75th Street

Detailed Outline of Requested Action: The applicant, Ron Wu, wants to rezone the property from R-1 Single Family District to R-2 Two Family District and amend the City-Wide Master Plan from Low Density Residential to Medium Density Residential at 609 – 611 South 75th Street to purchase the property, which is being used as a duplex and correct the zoning of the property to reflect the use.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-245 – 27-339

Code Enforcement History: There were Code Enforcement citations on the property from 2016 – 2018 for weeds, furniture outside the property and trash.

CHANGE OF ZONE APPLICATION COZ2021-025 – RON WU – SYNOPSIS: Change of Zone from R-1 Single Family District to R-2 Two Family District for an existing duplex at 617 and 619 South 75th Street

Detailed Outline of Requested Action: The applicant, Ron Wu, wants to rezone the property from R-1 Single Family District to R-2 Two Family District and amend the City-Wide Master Plan from Low Density Residential to Medium Density Residential at 609 – 611 South 75th Street to purchase the property which is being used as a duplex and correct the zoning of the property to reflect the use.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-245 – 27-339

Code Enforcement History: There were Code Enforcement citations on the property from 2016 – 2021 for weeds, furniture outside the property, vehicles with no registration and trash.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated August 9, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Ron Wu, applicant, 304 Shadow Oaks, Irvine, CA 92618

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:33:36: Planning Director Hand stated that these two (2) duplexes are on the same block adjacent to each other. This is a dead-end cul-de-sac containing all legal nonconforming duplexes in the Riverview area. He further stated that one (1) of the conditions of approval is that the applicant must retroactively file Master Plan Amendment applications on both parcels at a later date (set for September 13, 2021) as this was not a redevelopment project, but legalization of two (2) duplexes. Staff recommends approval of both applications subject to the conditions in the staff report.

Motion and Vote starts at 3:34:53:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone COZ2021-024:**

Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	Not Present
Ernst	Aye
Hill	Aye
Huey	Not Present
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

- 1. File a Master Plan Amendment from Low Density Residential (City-Wide Master Plan) to Medium Density Residential (City-Wide Master Plan) that corresponds with the rezoning petition;**
- 2. Please refer to the approved tree list (in the attachments). Trees shall be planted in the front yard. Prior to planting, call a utility location service to mark utilities;**
- 3. If rented, a rental license from Rental Licensing shall be obtained for two (2) dwelling units; and,**
- 4. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone COZ2021-025:**

Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	Not Present
Ernst	Aye
Hill	Aye
Huey	Not Present
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

- 1. File a Master Plan Amendment from Low Density Residential (City-Wide Master Plan) to Medium Density Residential (City-Wide Master Plan) that corresponds with the rezoning petition;**
- 2. Please refer to the approved tree list (in the attachments). Trees shall be planted in the front yard. Prior to planting, call a utility location service to mark utilities;**
- 3. If rented, a rental license from Rental Licensing shall be obtained for two (2) dwelling units; and,**
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Figure 1. Aerial Map of 609 – 611 South 75th Street (provided by UG Maps).



Figure 2. Zoning Map of 609 – 611 South 75th Street (provided by UG Maps).

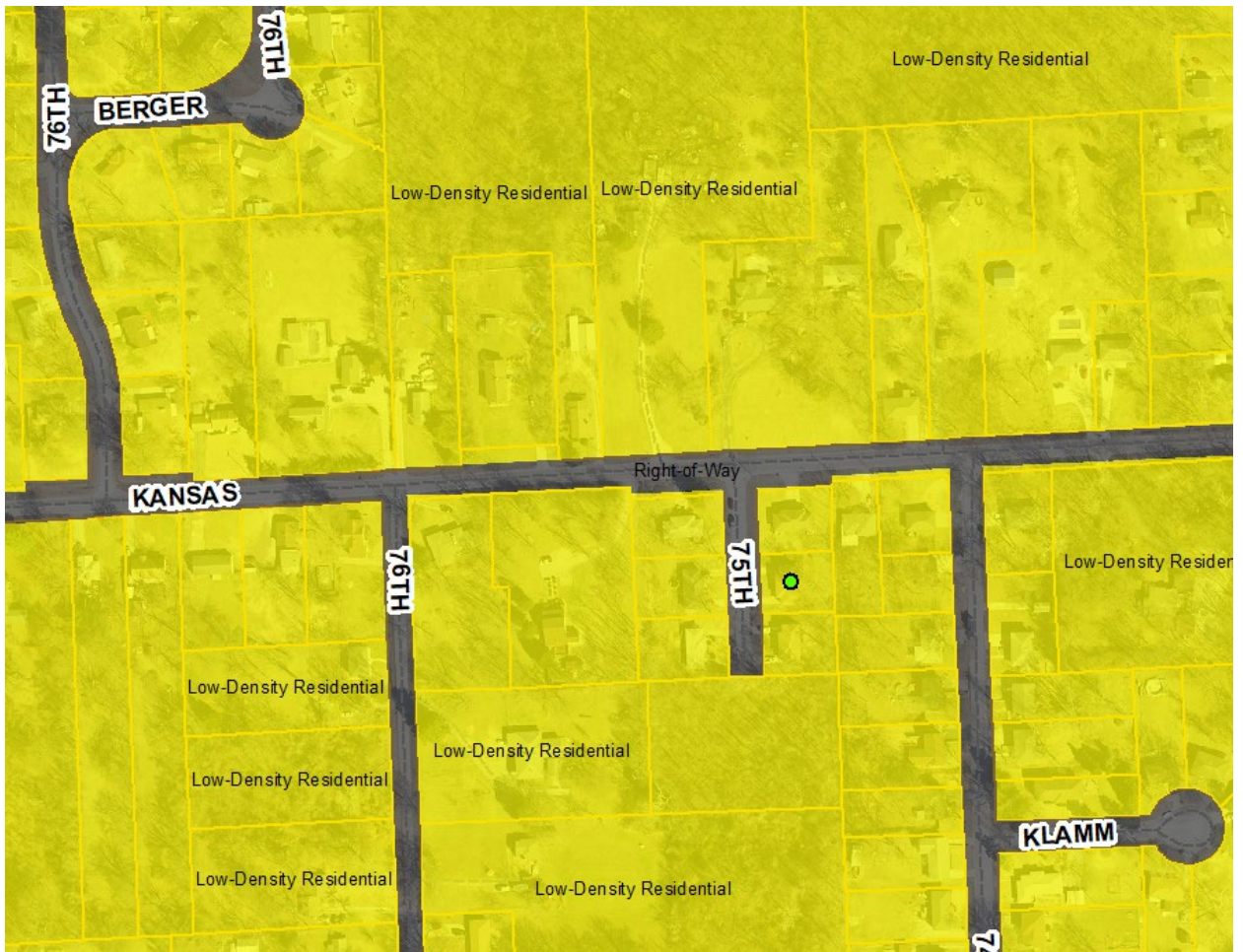


Figure 3. City-Wide Master Plan Land Use Map of 609 – 611 South 75th Street (provided by Arc Map).

Kansas City, Kansas Permitted Street Tree Listing

(June 2017)

A. Small Trees (usually under 25 feet at maturity)			
1.	<i>Acer tataricum</i> subsp. <i>ginnala</i>	Amur maple	
2.	<i>Acer griseum</i>	Paperbark maple	
3.	<i>Acer tataricum</i>	Tatarian maple	'Hotwings'
4.	<i>Acer truncatum</i>	Shantung maple	
5.	<i>Acer truncatum</i> x <i>plantanoides</i>	Norwegian sunset maple	'Warrenred' 'Keithsform'
6.	<i>Amelanchier</i> x <i>grandiflora</i>	Serviceberry*	better cultivar 'Autumn Brilliance'
7.	<i>Cercis</i> species (spp.)	Eastern and Oklahoma redbud	
8.	<i>Malus</i> spp.	Crabapple	'Royal raindrop', 'Adirondack', 'Velvet Pillar'
9.	<i>Syringa pekinensis</i>	China Snow tree lilac	'Morton'
10.	<i>Syringa reticulata</i>	Japanese tree lilac	'Ivory silk'
11.	<i>Prunus virginiana</i>	Common chokecherry*	better cultivars 'Canada Red Improved' and 'Shubert'
B. Medium Trees (usually 25-40 feet at maturity)			
1.	<i>Carpinus betulus</i>	European hornbeam	
2.	<i>Cornus</i> species (spp.)	Dogwood	Typical understory planting. Species selection important for sun tolerance.
3.	<i>Koeleruteria paniculata</i>	Goldenrain tree	
4.	<i>Quercus muehlenbergii</i>	Chinkapin oak	
5.	<i>Acer buergerianum</i>	Trident maple	
6.	<i>Acer campestre</i> 'Evelyn'	Hedge maple	
7.	<i>Acer truncatum</i>	Shantung maple	
8.	<i>Cladrastis kentukea</i>	American yellowwood	
9.	<i>Maclura pomifera</i>	Osage-orange	Male cultivars only 'Whiteshield', 'Wichita'
10.	<i>Ulmus propinqua</i> 'JFS-Beiberich'	Emerald Sunshine elm	New introduction from OK proven in KS
C. Large Trees (usually 40 feet or larger at maturity)			
1.	<i>Acer miyabei</i>	Miyabei maple	'State Street'
2.	<i>Acer plantanoides</i>	Norway maple	
3.	<i>Acer saccharum</i>	Sugar maple	Suggested cultivar 'Hiawatha 1'
4.	<i>Acer saccharum</i> var. <i>caddo</i>	Caddo sugar maple	Heat and drought tolerant. Cultivars 'John Pair' and 'Autumn Splendor'
5.	<i>Betula nigra</i>	River birch	Single stem only
6.	<i>Corylus colurna</i>	Turkish filbert	Needs large space
7.	<i>Ginkgo biloba</i>	Ginkgo	Male cultivars only
8.	<i>Gleditsia triacanthos inermis</i>	Thornless Honeylocust	'Imperial' 'Shademaster' 'Skyline'

	Permitted Large Trees		
9.	<i>Gymnocladus dioicus</i>	Kentucky coffeetree	Male cultivars available. Durable native.
10.	<i>Liquidambar styraciflua</i>	Sweetgum	Male cultivars only
11.	<i>Metasequoia glyptostroboides</i>	Dawn redwood	Needs large space
12.	<i>Nyssa sylvatica</i>	Black gum	
13.	<i>Quercus acutissima</i>	Sawtooth oak	
14.	<i>Quercus alba</i>	White oak	
15.	<i>Quercus bicolor</i>	Swamp white oak	Soil pH should determined
16.	<i>Quercus coccinea</i>	Scarlet oak	
17.	<i>Quercus imbricaria</i>	Shingle oak	
18.	<i>Quercus lyrata</i>	Overcup oak	
19.	<i>Quercus macrocarpa</i>	Bur oak	
20.	<i>Quercus phellos</i>	Willow oak	
21.	<i>Quercus robur</i>	English oak	Choose mildew resistant cultivars
22.	<i>Quercus rubra</i>	Northern red oak	Soil pH should determined
23.	<i>Quercus shumardii</i>	Shumard oak	
24.	<i>Taxodium distichum</i>	Baldcypress	
25.	<i>Tilia cordata</i>	Littleleaf linden	
26.	<i>Tilia tomentosa</i>	Silver linden	Cultivars 'Sterling Silver' 'Green Mountain'
27.	<i>Tilia Americana</i>	American linden	
28.	<i>Ulmus americana</i>	American elm	Cultivars resistant to Dutch elm disease; 'New Harmony', 'Princeton', 'Lewis and Clark', 'Jefferson'
29.	<i>Ulmus parvifolia</i>	Lacebark elm	'Elmer II'
30.	<i>Ulmus wilsoniana</i>	Prospector elm	
31.	<i>Zelkova serrata</i>	Zelkova, columnar or Japanese	'Musashino' 'Village green' 'Green vase'

* Fruits produced - site selection important

Kansas City, Kansas Prohibited Street Tree Listing

(June 2017)

Prohibited Street Trees			
1.	<i>Abies species (spp.)</i>	Fir	
2.	<i>Acer saccharinum</i>	Silver maple	
3.	<i>Albizia julibrissin</i>	Mimosa	
4.	<i>Celtis occidentalis</i>	Northern hackberry	
5.	<i>Celtis laevigata</i>	Sugar hackberry	
6.	<i>Diospyros virginiana</i>	Persimmon	
7.	<i>Elaeagnus angustifolia</i>	Russian olive	
8.	<i>Fraxinus Americana</i>	White ash	
9.	<i>Fraxinus pennsylvainica</i>	Green ash	
10.	<i>Maclura pomifera</i>	Osage orange – fruited/thorned varieties	
11.	<i>Morus spp.</i>	Mulberry	
12.	<i>Picea spp.</i>	Spruce	
13.	<i>Pinus spp.</i>	Pine	
14.	<i>Platanus acerifolia</i>	London plane tree	
15.	<i>Platanus occidentalis</i>	Sycamore	
16.	<i>Populus spp.</i>	Cottonwood	
17.	<i>Pyrus calleryana</i>	Bradford pear	
18.	<i>Ulmus pumila</i>	Siberian elm	
19.	<i>Ailanthus altimissima</i>	Tree of Heaven	
20.	<i>Acer negundo</i>	Boxelder	
21.	<i>Salix spp.</i>	Willow	
22.	Edible fruit trees		

Planning and Urban Design Comments:

General Planning:

1. Are both units on separate utilities – water, power, sanitary sewer, etc.? **Yes, all on separate meters**
2. Sec. 27-700(a) In the R-1, R, AG, R-1(B) and R-2(B) districts, one (1) shade tree per dwelling unit is required in the front or corner side yard, and one (1) tree per 7,000 square feet of site area for uses other than residences.

Two (2) trees are required to be planted in the front yard. Per Sec. 27-702 shade trees shall be at least two (2) inch caliper as measure twelve (12) inches above ground. Evergreen trees shall be between five (5) to six (6) feet in height. Trees shall not be planted within the utility easement or under water lines. **This is acceptable, please let me know what tree types need to be planted and the locations.**

3. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper. **Okay**

4. The structure was building in 1971 per the County Building Permit provided by GeoSpatial Services Department prior to annexation into the city in 1972. At the time of construction, the property was zoned D-I, which allows duplexes

5. In rented, a rental license from Rental Licensing shall be obtained for two (2) dwelling units. **Okay**

Neighborhood Meeting MINUTES:

Application Number **COZ2021-024** and **COZ2021-025**

Date and Location: **7/21/2021, 6pm, Via Zoom**

Meeting called to order at: **6:00 pm**

Names of people in attendance:

Ron Wu

Edward Wu

Eli Nitz (Ron Wu and Edward Wu's Property Manager)

Introductions:

Introduced the application to the participants and reason for the re-zone from R-1 to R-2.

Questions and answers (include the following):

No Questions were asked

Meeting adjourned at: **6:30 PM**

Minutes taken by: **Ron Wu**

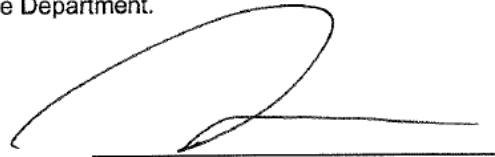
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF _____)
) SS:
COUNTY OF _____)

Comes now **Ron Wu**, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # **COZ2021-024 and COZ2021-025**
2. That I conducted a neighborhood meeting on **7/21/2021, 6pm, Via Zoom**
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.



Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this _____ day of _____, 200_.

My commission expires _____ of _____, 200_.

Notary Public

N^o A 7908

CONSTRUCTION PERMIT

Wyandotte County, Kansas, Ottawa 22, 1971

New Building ☐
 Addition - Repair ☐
 Accessory Bldg. ☐
 Mobile Home ☐
 Fence ☐
 Wall ☐
 Other Facility ☐

Application is hereby made to the Administrative Officer at the Wyandotte County Planning Board for a building permit on the following property:

Section 21 Township 11 Range 24

Lot No. 1 Block No. 1 Subdivision Quinta Court

To be used for: Single Family Res. ☐
 Two Family (Duplex) Res. ☒
 Family Res. ☐
 "E" Apartment Units ☐
 "D-I" Two Family Res. ☐
 Industrial ☐
 Commercial ☐
 Professional ☐
 Planned Commercial ☐
 Church ☐ School ☐
 SEWAGE DISPOSAL
 Public Sewer District No.
 Septic Tank Permit No.

Building Area 732 sq. ft. PER UNIT Zoning District B, C, D, D-I, E, E-I, F, F-I, G, H

Building Height ft. - stories Zoning Map No. 3

Lot Area 90 X 120 sq. ft. Area per family 12,000 sq. ft.

If building is to be structurally altered describe: Constructing a two-family dwelling on first plat from attached

ADDRESS ASSIGNED
609-611 South 75th St.

NO PORTION OF ANY BUILDING SHALL BE BUILT CLOSER THAN: 30 feet to the front property line, 8 feet to either side property line 30 feet to the side street line, or 30 feet to the rear property line.

THIS PERMIT DOES NOT NULLIFY ANY DEED RESTRICTIONS FILED AS PART OF THE SUBDIVISION PLAT. CHECK YOUR DEED.

OWNER HAMILTON & SONS CONST CO ADDRESS 7619 PEARCE PH 324-3535

CONTRACTOR SELF ADDRESS

ARCHITECT ADDRESS

ESTIMATED COST \$ 20,000 FEE \$ 10.00 PER UNIT CASH ☐ CHECK ☒

The undersigned, hereby certifies that the information given herein is correct and that he will comply with the zoning resolutions of Wyandotte County, Kansas.

 Administrative Officer

 Owner Agent

IMPORTANT

- This Permit expires 90 days from above date.
- Basement or Garage Dwellings not allowed.
- This Permit Not Transferrable.
- Post Blue Permit Card within view.

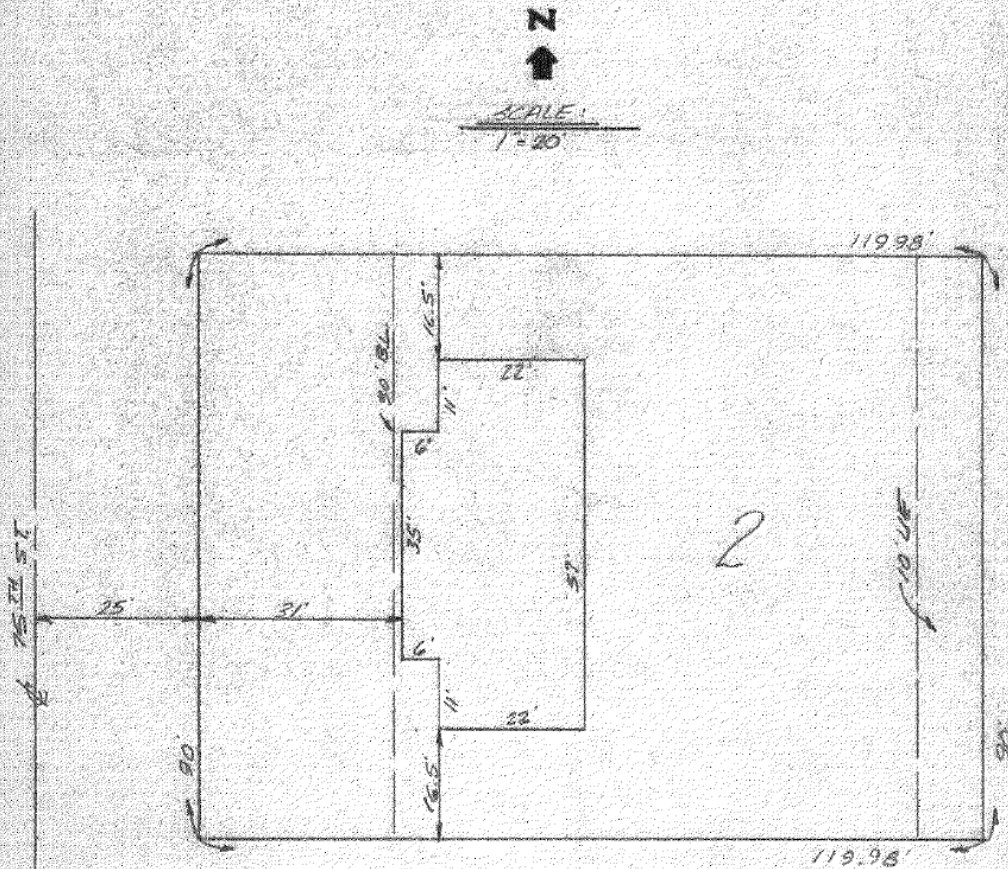
RALPH L. FLOURNOY
Engineer and Surveyor
KANSAS CITY, KANSAS 64112

No. _____

PLOT PLAN

ORDERED BY: HAMILTON & SONS CONSTRUCTION CO., 7619 PARALLEL, KANSAS CITY, KANSAS.

DESCRIPTION: LOT 2, GRINTER COURT A SUBDIVISION IN WYANDOTTE COUNTY, KANSAS.



KANSAS CITY, KANSAS

Sept 17 1971

R. Flournoy

PRINTER 200-6-71

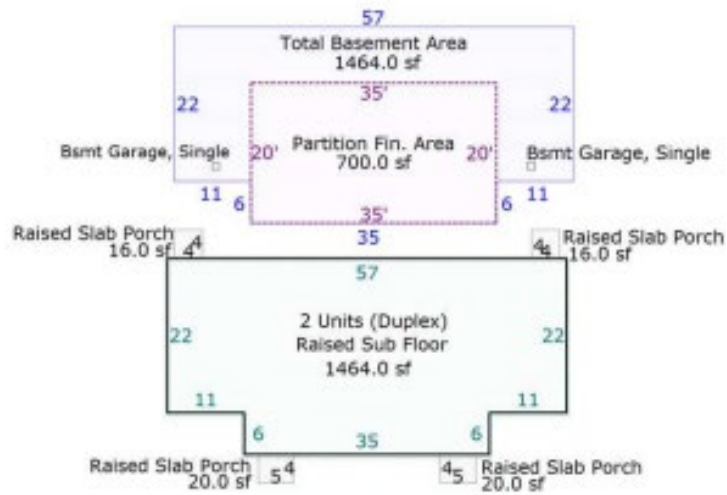


Figure 4. Existing Floor Plan 609-611 South 75th Street (provided by the applicant).



Figure 5. Site Photograph of 609 – 611 South 75th Street (provided by the applicant).



Figure 6. Site photograph of 609 - 611 South 75th Street (provided by the applicant).



Figure 7. Site Photograph of 609 – 611 South 75th Street (provided by the applicant).



Figure 8. Site Photograph of 609 – 611 South 75th Street (provided by the applicant).



Figure 9. Site Photograph of 609 – 611 South 75th Street (provided by the applicant).



Planning and Urban Design

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: Planning and Urban Design Staff
Date: August 26, 2021
Re: **Petition COZ2021-025**

GENERAL INFORMATION

Applicant:
Ron Wu

Status of Applicant:
Representative
204 Shadow Oaks
Irvine, CA 92618

Requested Actions:
Change of Zone from R-1 Single Family District to
R-2 Two Family District.

Date of Application(s):
June 25, 2021

Purpose:
To continue to use the residential structure as a
duplex.

Property Location:
617 – 619 South 75th Street

Commission Districts:
Commissioner At-Large: Tom Burroughs
District #7 Commissioner: Jim Walters



Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Duplex South: Undeveloped land East: Single family home West: Duplex
Total Tract Size:	0.48 Acres
Master Plan Area:	City-Wide Master Plan
Master Plan Designation:	The City-Wide Master Plan designates this property as Low Density Residential, which allows single-family detached residences, institutional uses such as elementary and middle schools, small churches (less than 50,000 square feet), libraries, parks, and open space.
Major Street Plan:	The Major Street Plan classifies South 75 th Street as a Local Street and Kansas Avenue as a Class C Thoroughfare.
Required Parking:	Sec. 27-456(d) Two (2) off-street parking spaces shall be provided on the premises for each dwelling unit, at least one of which shall be in a garage or carport. When no more than two (2) off-street parking spaces are provided for each dwelling unit on the premises, and when the lot has less than twenty (20) feet of continuous street curb length for each dwelling unit, and where visitor and guest parking spaces are not provided elsewhere, the front yard setback measure from the front lot line to the garage door shall not be less than thirty-six (36) feet, and space shall be provided in the drive for the parking of two (2) passenger cars for each dwelling unit. Four (4) parking spaces are required. Four (4) spaces are provided, two (2) of which are in a garage.
Advertisement:	<u>The Wyandotte Echo</u> – July 15, 2021 Letters to Property Owners – July 14, 2021 and August 20, 2021
Public Hearings:	August 9, 2021 and August 26, 2021
Public Support:	None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Ron Wu, wants to rezone the property from R-1 Single Family District to R-2 Two Family District and amend the City-Wide Master Plan from Low Density Residential to Medium Density Residential at 609 – 611 South 75th Street to purchase the property which is being used as a duplex and correct the zoning of the property to reflect the use.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-245 – 27-339

Code Enforcement History: There were Code Enforcement citations on the property from 2016 – 2021 for weeds, furniture outside the property, vehicles with no registration and trash.

FACTORS TO BE CONSIDERED

1. Neighborhood character

The character of the neighborhood is exclusively comprised of duplexes on South 75th Street, with single-family homes to the east. This area, south of Kansas Avenue is a small, established neighborhood.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.

The zoning and uses of properties nearby are set out above. The proposed use is compatible with them because the block is entirely comprised of duplexes.

3. The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property?

The removal of the restrictions will not detrimentally affect nearby property because the duplex was constructed in 1971, prior to annexation in 1972.

4. The length of time the property has remained vacant as zoned.

The property may be vacant because the rental license expired April 30, 2021.

5. The extent to which the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.

The proposed use is reasonably necessary for the convenience and welfare of the public as housing, specifically attached-single family, otherwise known as duplexes, provide an alternate housing choice for the community, and it will not substantially or permanently injure the appropriate use, visual quality, or marketability of nearby property. This rezoning is correcting a legal, non-conforming structure and use that has existed since 1971.

6. *The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.*

The proposed development will not increase the traffic or parking demand in ways that will adversely affect road capacity, safety, or create parking problems because the use is existing and there are no changes proposed on the property.

7. *The degree of conformance of the proposed use to the Master Plan.*

The proposed use does not conform to the Low-Density Residential designation; therefore, an amendment has been filed to comply with the use.

8. *The extent to which the proposed use could cause environmental harm or enhance the environment.*

This is not applicable as the proposed use is not changing or expanding but is simply changing ownership.

9. *The extent to which utilities and public services are available and adequate to serve the proposed use.*

a. *Water service*

BPU provides water service.

b. *Sanitary sewer service*

UG provides sanitary sewer service.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

Police service is provided by South Patrol, District #221.

e. *Fire*

Fire service is provided by Fire Station #20 located at 78th Street and Kansas Avenue.

f. Transit

Kansas City ATA does not provide transit service near this property.

g. Schools

Public education is provided by Turner USD 202.

h. Streets

To be designed to meet Public Works standards.

10. The economic impact of the proposed use on the community.

The proposed use will have a minimal economic impact on the community.

11. The capability of the proposed use to meet applicable ordinance requirements.

The proposed use is capable of meeting applicable ordinance and other requirements.

12. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner is minimal. If the application is denied, the property will need be converted to a single-family home.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on July 21, 2021 by Virtual Meeting (Zoom) Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Existing Legal, Non-conforming Use

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone **COZ2021-025**, subject to:

1. **File a Master Plan Amendment from Low Density Residential (City-Wide Master Plan) to Medium Density Residential (City-Wide Master Plan) that corresponds with the rezoning petition;**
2. **Please refer to the approved tree list (in the attachments). Trees shall be planted in the front yard. Prior to planting, call a utility location service to mark utilities;**
3. **If rented, a rental license from Rental Licensing shall be obtained for two (2) dwelling units; and,**
4. **Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2021-025** subject to all comments and suggestions outlined in this staff report, and the conditions in the staff report.

ATTACHMENTS

August 9, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Wyandotte County Parks Department Street Tree List
Applicant Response Letter
Neighborhood Meeting Minutes
1971 County Building Permit
Site Photography provided by the Applicant.

REVIEW OF INFORMATION AND SCHEDULE

Action _____
Public Hearing _____
Rezoning _____

Planning Commission
August 9, 2021
Approval

Unified Government of Board of Commissioners
August 26, 2021

STAFF CONTACT: **Byron Toy, AICP**
 btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2021-025** as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2021-025** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

August 9, 2021 City Planning Commission Minutes:

Hearing starts at 3:30:35:

CHANGE OF ZONE APPLICATION COZ2021-024 – RON WU – SYNOPSIS: Change of Zone from R-1 Single Family District to R-2 Two Family District for an existing duplex at 609 and 611 South 75th Street

Detailed Outline of Requested Action: The applicant, Ron Wu, wants to rezone the property from R-1 Single Family District to R-2 Two Family District and amend the City-Wide Master Plan from Low Density Residential to Medium Density Residential at 609 – 611 South 75th Street to purchase the property, which is being used as a duplex and correct the zoning of the property to reflect the use.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-245 – 27-339

Code Enforcement History: There were Code Enforcement citations on the property from 2016 – 2018 for weeds, furniture outside the property and trash.

CHANGE OF ZONE APPLICATION COZ2021-025 – RON WU – SYNOPSIS: Change of Zone from R-1 Single Family District to R-2 Two Family District for an existing duplex at 617 and 619 South 75th Street

Detailed Outline of Requested Action: The applicant, Ron Wu, wants to rezone the property from R-1 Single Family District to R-2 Two Family District and amend the City-Wide Master Plan from Low Density Residential to Medium Density Residential at 609 – 611 South 75th Street to purchase the property which is being used as a duplex and correct the zoning of the property to reflect the use.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-245 – 27-339

Code Enforcement History: There were Code Enforcement citations on the property from 2016 – 2021 for weeds, furniture outside the property, vehicles with no registration and trash.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated August 9, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Ron Wu, applicant, 304 Shadow Oaks, Irvine, CA 92618

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:33:36: Planning Director Hand stated that these two (2) duplexes are on the same block adjacent to each other. This is a dead-end cul-de-sac containing all legal nonconforming duplexes in the Riverview area. He further stated that one (1) of the conditions of approval is that the applicant must retroactively file Master Plan Amendment applications on both parcels at a later date (set for September 13, 2021) as this was not a redevelopment project, but legalization of two (2) duplexes. Staff recommends approval of both applications subject to the conditions in the staff report.

Motion and Vote starts at 3:34:53:

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone COZ2021-024:**

Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	Not Present
Ernst	Aye
Hill	Aye
Huey	Not Present
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

- 1. File a Master Plan Amendment from Low Density Residential (City-Wide Master Plan) to Medium Density Residential (City-Wide Master Plan) that corresponds with the rezoning petition;**
- 2. Please refer to the approved tree list (in the attachments). Trees shall be planted in the front yard. Prior to planting, call a utility location service to mark utilities;**
- 3. If rented, a rental license from Rental Licensing shall be obtained for two (2) dwelling units; and,**
- 4. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

On motion by Mrs. Jones, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone COZ2021-025:**

Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	Not Present
Ernst	Aye
Hill	Aye
Huey	Not Present
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

- 1. File a Master Plan Amendment from Low Density Residential (City-Wide Master Plan) to Medium Density Residential (City-Wide Master Plan) that corresponds with the rezoning petition;**
- 2. Please refer to the approved tree list (in the attachments). Trees shall be planted in the front yard. Prior to planting, call a utility location service to mark utilities;**
- 3. If rented, a rental license from Rental Licensing shall be obtained for two (2) dwelling units; and,**
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Figure 1. Aerial Map of 617 – 619 South 75th Street (provided by UG Maps).



Figure 2. Zoning Map of 617 – 619 South 75th Street (provided by UG Maps).

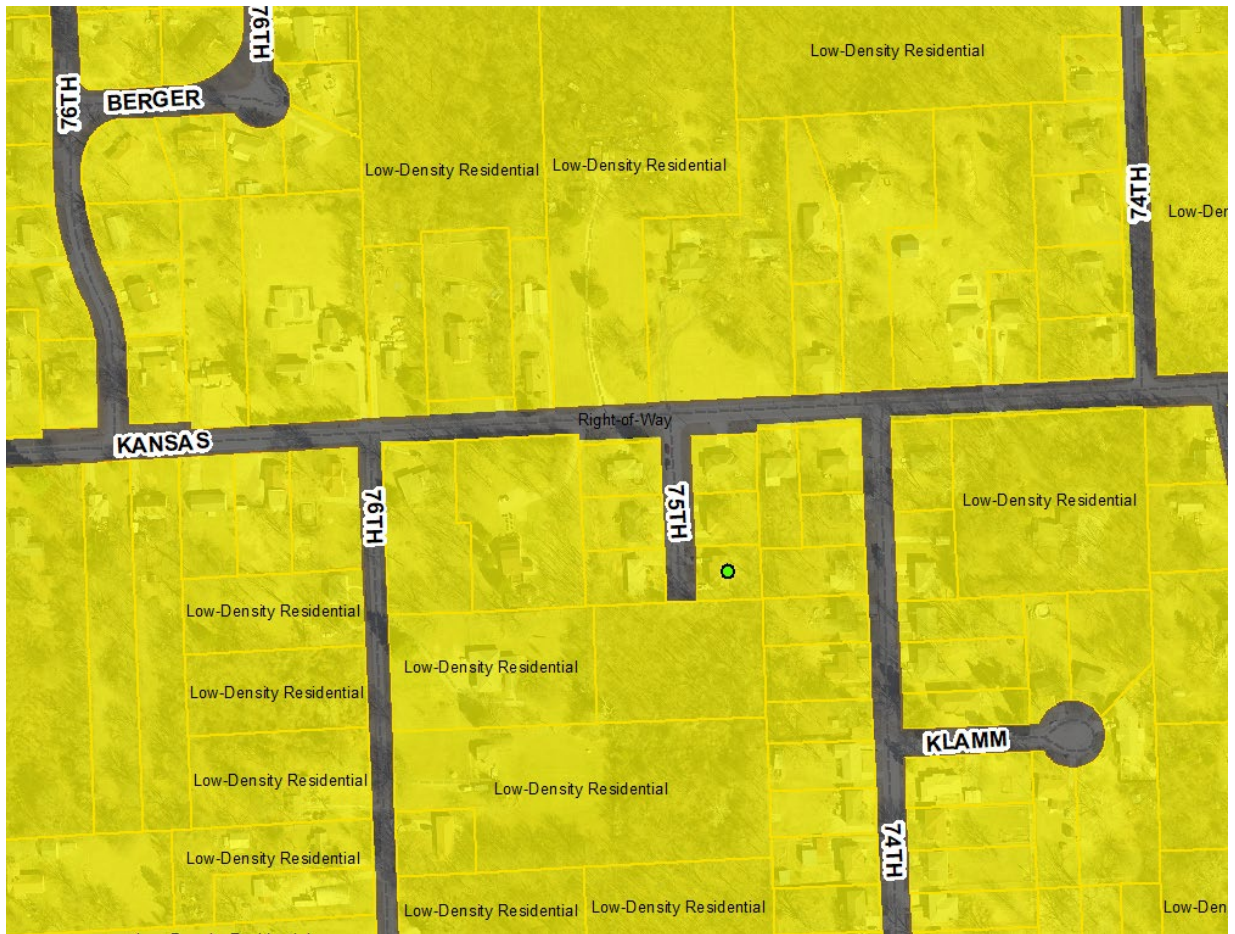


Figure 3. City-Wide Master Plan Land Use Map of 617 – 619 South 75th Street (provided by Arc Map).

Kansas City, Kansas Permitted Street Tree Listing

(June 2017)

A. Small Trees (usually under 25 feet at maturity)			
1.	<i>Acer tataricum</i> subsp. <i>ginnala</i>	Amur maple	
2.	<i>Acer griseum</i>	Paperbark maple	
3.	<i>Acer tataricum</i>	Tatarian maple	'Hotwings'
4.	<i>Acer truncatum</i>	Shantung maple	
5.	<i>Acer truncatum</i> x <i>plantanoides</i>	Norwegian sunset maple	'Warrenred' 'Keithsform'
6.	<i>Amelanchier</i> x <i>grandiflora</i>	Serviceberry*	better cultivar 'Autumn Brilliance'
7.	<i>Cercis species (spp.)</i>	Eastern and Oklahoma redbud	
8.	<i>Malus spp.</i>	Crabapple	'Royal raindrop', 'Adirondack', 'Velvet Pillar'
9.	<i>Syringa pekinensis</i>	China Snow tree lilac	'Morton'
10.	<i>Syringa reticulata</i>	Japanese tree lilac	'Ivory silk'
11.	<i>Prunus virginiana</i>	Common chokecherry*	better cultivars 'Canada Red Improved' and 'Shubert'
B. Medium Trees (usually 25-40 feet at maturity)			
1.	<i>Carpinus betulus</i>	European hornbeam	
2.	<i>Cornus species (spp.)</i>	Dogwood	Typical understory planting. Species selection important for sun tolerance.
3.	<i>Koeleruteria paniculata</i>	Goldenrain tree	
4.	<i>Quercus muehlenbergii</i>	Chinkapin oak	
5.	<i>Acer buergerianum</i>	Trident maple	
6.	<i>Acer campestre</i> 'Evelyn'	Hedge maple	
7.	<i>Acer truncatum</i>	Shantung maple	
8.	<i>Cladrastis kentukea</i>	American yellowwood	
9.	<i>Maclura pomifera</i>	Osage-orange	Male cultivars only 'Whiteshield', 'Wichita'
10.	<i>Ulmus propinqua</i> 'JFS-Beiberich'	Emerald Sunshine elm	New introduction from OK proven in KS
C. Large Trees (usually 40 feet or larger at maturity)			
1.	<i>Acer miyabei</i>	Miyabei maple	'State Street'
2.	<i>Acer plantanoides</i>	Norway maple	
3.	<i>Acer saccharum</i>	Sugar maple	Suggested cultivar 'Hiawatha 1'
4.	<i>Acer saccharum</i> var. <i>caddo</i>	Caddo sugar maple	Heat and drought tolerant. Cultivars 'John Pair' and 'Autumn Splendor'
5.	<i>Betula nigra</i>	River birch	Single stem only
6.	<i>Corylus colurna</i>	Turkish filbert	Needs large space
7.	<i>Ginkgo biloba</i>	Ginkgo	Male cultivars only
8.	<i>Gleditsia triacanthos inermis</i>	Thornless Honeylocust	'Imperial' 'Shademaster' 'Skyline'

	Permitted Large Trees		
9.	<i>Gymnocladus dioica</i>	Kentucky coffeetree	Male cultivars available. Durable native.
10.	<i>Liquidambar styraciflua</i>	Sweetgum	Male cultivars only
11.	<i>Metasequoia glyptostroboides</i>	Dawn redwood	Needs large space
12.	<i>Nyssa sylvatica</i>	Black gum	
13.	<i>Quercus acutissima</i>	Sawtooth oak	
14.	<i>Quercus alba</i>	White oak	
15.	<i>Quercus bicolor</i>	Swamp white oak	Soil pH should determined
16.	<i>Quercus coccinea</i>	Scarlet oak	
17.	<i>Quercus imbricaria</i>	Shingle oak	
18.	<i>Quercus lyrata</i>	Overcup oak	
19.	<i>Quercus macrocarpa</i>	Bur oak	
20.	<i>Quercus phellos</i>	Willow oak	
21.	<i>Quercus robur</i>	English oak	Choose mildew resistant cultivars
22.	<i>Quercus rubra</i>	Northern red oak	Soil pH should determined
23.	<i>Quercus shumardii</i>	Shumard oak	
24.	<i>Taxodium distichum</i>	Baldcypress	
25.	<i>Tilia cordata</i>	Littleleaf linden	
26.	<i>Tilia tomentosa</i>	Silver linden	Cultivars 'Sterling Silver' 'Green Mountain'
27.	<i>Tilia Americana</i>	American linden	
28.	<i>Ulmus americana</i>	American elm	Cultivars resistant to Dutch elm disease; 'New Harmony', 'Princeton', 'Lewis and Clark', 'Jefferson'
29.	<i>Ulmus parvifolia</i>	Lacebark elm	'Elmer II'
30.	<i>Ulmus wilsoniana</i>	Prospector elm	
31.	<i>Zelkova serrata</i>	Zelkova, columnar or Japanese	'Musashino' 'Village green' 'Green vase'

* Fruits produced - site selection important

Kansas City, Kansas Prohibited Street Tree Listing

(June 2017)

Prohibited Street Trees			
1.	<i>Abies species (spp.)</i>	Fir	
2.	<i>Acer saccharinum</i>	Silver maple	
3.	<i>Albizia julibrissin</i>	Mimosa	
4.	<i>Celtis occidentalis</i>	Northern hackberry	
5.	<i>Celtis laevigata</i>	Sugar hackberry	
6.	<i>Diospyros virginiana</i>	Persimmon	
7.	<i>Elaeagnus angustifolia</i>	Russian olive	
8.	<i>Fraxinus Americana</i>	White ash	
9.	<i>Fraxinus pennsylvainica</i>	Green ash	
10.	<i>Maclura pomifera</i>	Osage orange – fruited/thorned varieties	
11.	<i>Morus spp.</i>	Mulberry	
12.	<i>Picea spp.</i>	Spruce	
13.	<i>Pinus spp.</i>	Pine	
14.	<i>Platanus acerifolia</i>	London plane tree	
15.	<i>Platanus occidentalis</i>	Sycamore	
16.	<i>Populus spp.</i>	Cottonwood	
17.	<i>Pyrus calleryana</i>	Bradford pear	
18.	<i>Ulmus pumila</i>	Siberian elm	
19.	<i>Ailanthus altimissima</i>	Tree of Heaven	
20.	<i>Acer negundo</i>	Boxelder	
21.	<i>Salix spp.</i>	Willow	
22.	Edible fruit trees		

General Planning:

1. Are both units on separate utilities – water, power, sanitary sewer, etc.? **Yes, all on separate meters**

2. Sec. 27-700(a) In the R-1, R, AG, R-1(B) and R-2(B) districts, one (1) shade tree per dwelling unit is required in the front or corner side yard, and one (1) tree per 7,000 square feet of site area for uses other than residences.

Two (2) trees are required to be planted in the front yard. Per Sec. 27-702 shade trees shall be at least two (2) inch caliper as measure twelve (12) inches above ground. Evergreen trees shall be between five (5) to six (6) feet in height. Trees shall not be planted within the utility easement or under water lines. **This is acceptable, please let me know what tree types need to be planted and the locations.**

3. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper. **Okay**

4. The structure was building in 1971 per the County Building Permit provided by GeoSpatial Services Department prior to annexation into the city in 1972. At the time of construction, the property was zoned D-I, which allowed duplexes.

5. In rented, a rental license from Rental Licensing shall be obtained for two (2) dwelling units. **Okay**

Neighborhood Meeting MINUTES:

Application Number **COZ2021-024 and COZ2021-025**

Date and Location: **7/21/2021, 6pm, Via Zoom**

Meeting called to order at: **6:00 pm**

Names of people in attendance:

Ron Wu

Edward Wu

Eli Nitz (Ron Wu and Edward Wu's Property Manager)

Introductions:

Introduced the application to the participants and reason for the re-zone from R-1 to R-2.

Questions and answers (include the following):

No Questions were asked

Meeting adjourned at: **6:30 PM**

Minutes taken by: **Ron Wu**

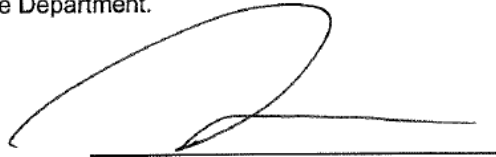
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF _____)
) SS:
COUNTY OF _____)

Comes now **Ron Wu**, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # **COZ2021-024 and COZ2021-025**
2. That I conducted a neighborhood meeting on **7/21/2021, 6pm, Via Zoom**
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.



Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this _____ day of _____, 200_.

My commission expires _____ of _____, 200_.

Notary Public

IN 7907

CONSTRUCTION PERMIT

Wyandotte County, Kansas, October 22, 1971

New Building ☒
 Addition - Repair ☐
 Accessory Bldg. ☐
 Mobile Home ☐
 Fence ☐
 Wall ☐
 Other Facility ☐

Application is hereby made to the Administrative Officer at the Wyandotte County Planning Board for a building permit on the following property:

Section 21 Township 11 Range 24

Lot No. 3 Block No. Subdivision Sanctuary Court

To be used for: Single Family Res. ☐ Industrial ☐
 Two Family (Duplex) Res. ☒ Commercial ☐
 "E" Apartment Units ☐ Professional ☐
 "D-I" Two Family Res. ☐ Planned Commercial ☐
 Church ☐ School ☐

SEWAGE DISPOSAL

Public Sewer District No.

Septic Tank Permit No.

Building Area 732 sq. ft. Zoning District B, C, D, E, E-I, F, F-I, G, H

Building Height ft. - stories Zoning Map No.

Lot Area 981.13 sq. ft. Area per family 10,000 sq. ft.

If building is to be structurally altered describe: Constructing a two-family dwelling on first plot shown attached

ADDRESS ASSIGNED

617-619 SOUTH 75TH ST.

NO PORTION OF ANY BUILDING SHALL BE BUILT CLOSER THAN: 30 feet to the front property line, 8 feet to either side property line 30 feet to the side street line, or 30 feet to the rear property line.

THIS PERMIT DOES NOT NULLIFY ANY DEED RESTRICTIONS FILED AS PART OF THE SUBDIVISION PLAT. CHECK YOUR DEED.

OWNER Hamilton & Sons Const. Co. ADDRESS 7619 PARNELL PH. 384-3835

CONTRACTOR SELF ADDRESS

ARCHITECT ADDRESS

ESTIMATED COST \$ 25,000 FEE \$ 10.00 PER UNIT CASH ☐ CHECK ☒

The undersigned, hereby certifies that the information given herein is correct and that he will comply with the zoning resolutions of Wyandotte County, Kansas.

 Administrative Officer

 Owner Agent

IMPORTANT

- This Permit expires 90 days from above date.
- Basement or Garage Dwellings not allowed.
- This Permit Not Transferrable.
- Post Blue Permit Card within view.

RALPH L. FLOURNOY
Engineer and Surveyor
KANSAS CITY, KANSAS 66112

No. _____

PLOT PLAN

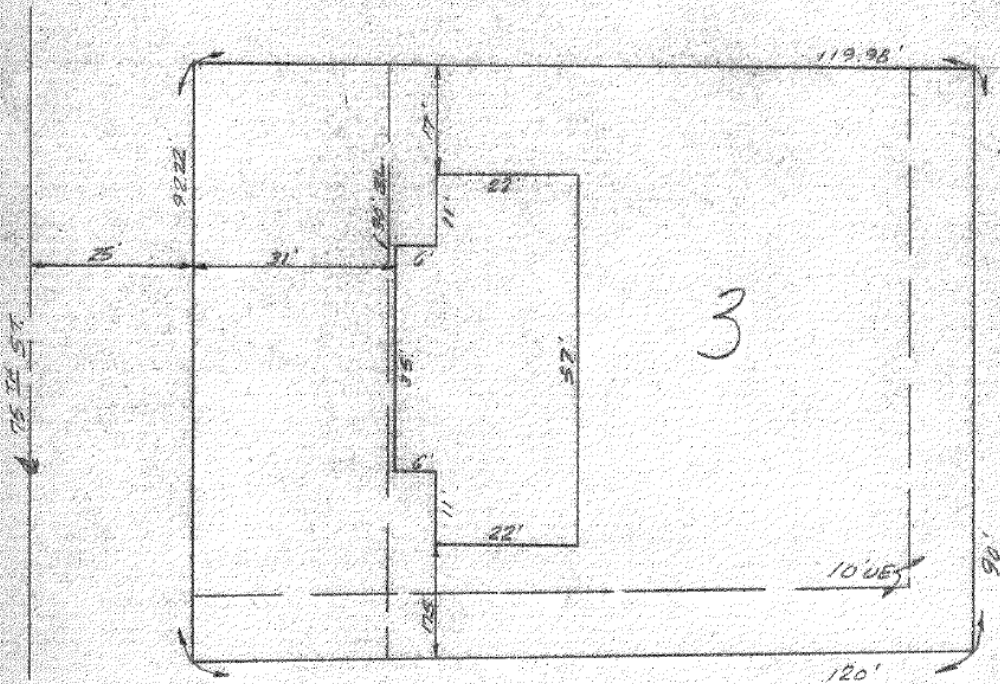
ORDERED BY: HAMILTON & SONS CONSTRUCTION CO., 7019 PARALLEL, KANSAS CITY, KANSAS.

DESCRIPTION: LOT 3, GRINSTER COURT A SUBDIVISION IN WYANDOTTE COUNTY, KANSAS.



SCALE:

1" = 20'



KANSAS CITY, KANSAS. Sept 17, 1921.

BAKER 200-6-71

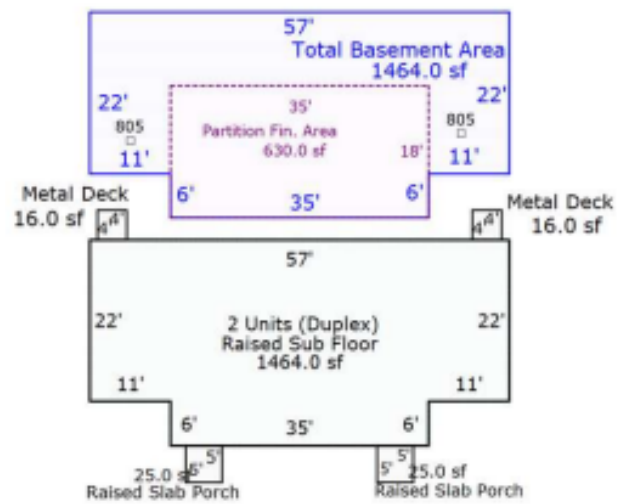


Figure 4. Existing Floor Plan 617 – 619 South 75th Street (provided by the applicant).



Figure 5. Site Photograph of 617 – 619 South 75th Street (provided by the applicant).



Figure 6. Site photograph of 617 - 619 South 75th Street (provided by the applicant).



Figure 7. Site Photograph of 617 – 619 South 75th Street (provided by the applicant).



Figure 8. Site Photograph of 617 – 619 South 75th Street (provided by the applicant).



Figure 10. Site Photograph of 617 – 619 South 75th Street (provided by the applicant).



Figure 10. Site Photograph of 617 – 619 South 75th Street (provided by the applicant).



Planning and Urban Design

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: August 26, 2021

Re: Petition SP2021-026

GENERAL INFORMATION

Applicant:
Lloyd Clay

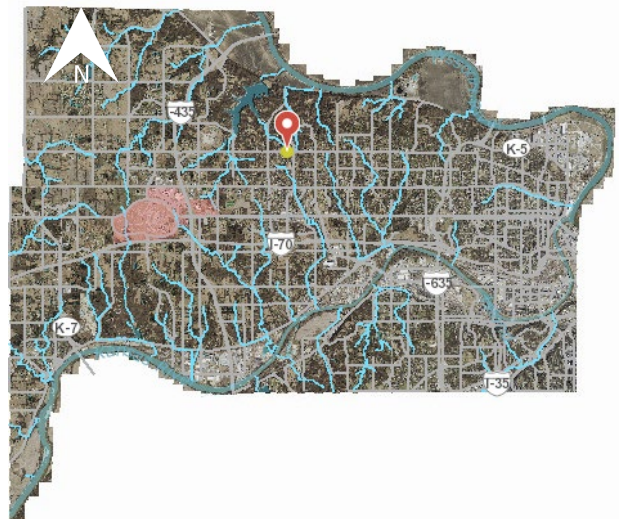
Status of Applicant:
Property Owner
7852 Leavenworth Road
Kansas City, Kansas 66109

Requested Action:
The approval of Temporary Use of Land
Special Use Permit SP-2019-50, which
expired on 9/26/2020.

Date of Application:
March 26, 2021

Purpose:
To store salt plow trucks
on a residential property.

Property Location:
7852 Leavenworth Road
Kansas City, Kansas 66109



Commission Districts:	Commissioner At Large: Melissa Bynum District #8 Commissioner: Dr. Jane Winkler Philbrook
Existing Zoning:	R-1 Single Family and C-3 Commercial District
Adjacent Zoning:	North: R-1 Single Family District South: C-3 Commercial District East: C-3 Commercial District West: R-1 Single Family District
Adjacent Uses:	North: Single Family Homes South: Commercial Automotive Uses East: Commercial Automotive Uses West: Single Family Homes
Total Tract Size:	1.14 Acres
Master Plan Area:	This property is outside of the boundaries of an Area Plan.
Master Plan Designation:	The City-Wide Master Plan designates this area as Low-Density Residential. This allows for detached single family homes.
Major Street Plan:	The Major Street Plan classifies Leavenworth Road as a Class B Thoroughfare.
Parking Requirements:	Section 27-454(e) requires two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, one (1) of which must be in a carport or garage.
Advertisement:	<u>The Wyandotte Echo</u> – April 15, 2021 Letters to Property Owner - April 16, 2021, May 4, 2021, June 8, 2021, July 30, 2021 and August 20, 2021
Public Hearings:	July 12, 2021, August 9, 2021 and August 26, 2021
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Loyd Clay, is seeking the approval of a Special Use Permit for the storage of a fleet of salt plow trucks and equipment used for a commercial business at a residential property at 7852 Leavenworth Road. This use was previously approved through Special Use Permit SP-

2019-50, which expired on 9/26/2020. This application cannot be considered a renewal due to the lapse in time since the previous permit expired. This is not the applicant's primary residence. The property is occupied by the applicant's son.

City Ordinance Requirements: 27-592 through 27-606

Code Enforcement History: There have been seven (7) Notices of Violation issued on this property. One (1) in 2007 and another in 2008 for vehicles parked on an unimproved surface, one (1) in 2009 for junk, trash, and water runoff, another in 2009 for numerous vehicles, boats, trailers, junk/trash throughout the property, one in 2010 for untagged vehicles, another in 2010 for trash and debris throughout the property, and one (1) in 2019 for untagged vehicles parked on unimproved surface.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is a mix of single-family residential and commercial. Single family homes nearby are on large lots of one (1) acre or more, with commercial uses along Leavenworth Road.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.

The zoning and uses are set out above. The proposed use could be compatible if properly managed and clear of code violations. There have been multiple Notices of Violation issued on the property, including untagged vehicles parked on unimproved surfaces.

3. The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property?

This property is suitable for use as a single-family home. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as excessive noise and overcrowding.

4. The length of time the property has remained vacant as zoned.

This property is not vacant. It is an existing single-family residence that is being used as the applicant's son's primary residence.

5. The degree of conformance of the proposed use to the Master Plan.

Special Use Permits are not addressed in the Master Plan. The City-Wide Master Plan designates this property as Low-Density Residential. Single family homes are allowed but require a Special Use Permit to store commercial trucks.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of the Class B Thoroughfare to accommodate it if managed properly.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The proposed use is not reasonably necessary for the convenience and welfare of the public as it only provides space for the applicant to store their commercial trucking equipment. The proposed use may injure the appropriate use, visual quality, or marketability of adjoining property if not managed properly by creating issues of noise, screening or otherwise. Additionally, if vehicles are being parked on unimproved surfaces, this could create issues of runoff.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

The proposed use may create issues of noise, vibration, and dust because the property was not designed to accommodate commercial trucks. Based on the Code Enforcement History of this property, it appears that the applicants park the vehicles on unimproved surfaces. This could create issues of dust and erosion. Headlights from the vehicles or other lighting could cause issues of illumination.

9. *Whether the proposed use will pollute the air, land or water.*

The proposed use could cause issues of air, land, and water pollution if not managed properly from fumes emitted by the vehicles and chemicals or other fluids soaking into the ground.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

The proposed use could damage or destroy an irreplaceable natural resource as it would continue to operate on an existing single-family residence in a built-out neighborhood.

11. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.*

The relative gain or loss to the public health, safety, and welfare is minimal as it only provides the convenience of the temporary storage of commercial vehicles on a residential property. If denied, the landowner would be required to remove the stored trucks to a commercially zoned property more appropriately designed

for such use. If denied, the property owner could also continue to use the property as a single-family residence or sell the property.

12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

The proposed use could create issues of overcrowding of land depending on the number and types of vehicles stored. Undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

SP-2019-50 expired on September 26, 2020
BOZA 2340 – DENIED in 2019

This application was held over from the July 12, 2021 City Planning Commission meeting as the applicant was not present.

NEIGHBORHOOD MEETING

The applicant conducted a neighborhood meeting via letter on April 15, 2021. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise
Expired Special Use Permit
Parking on Unimproved Surface
Runoff

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit **SP2021-026**, subject to:

- 1. All vehicles and equipment shall continuously be properly licensed, registered, and operable;**
- 2. Vehicles are to be stored on the property from late March to late November – off-season;**
- 3. Trucks shall be parked on an improved surface of asphalt or concrete;**
- 4. While no tires are disposed of on-site, any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires**

- with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
5. There is enough parking on site to park four (4) trucks in addition to the vehicles needed for the residents of the property, however, any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
 6. Vehicle repairs are not allowed to be done on the property. If vehicles are to be repaired, they must be taken to a repair shop. This Special Use Permit is only to park salt plow trucks on the property;
 7. Trucks are not allowed to be washed on the site to prevent contaminated water from getting into East Marshall Creek;
 8. If conditions are not adhered to, this Special Use Permit may be brought to the Unified Government Board of Commissioners for revocation;
 9. Temporary Use of Land Special Use Permits have a maximum duration of two (2) years. If approved, the applicant will have two (2) years to find a permanent solution for the proposed use. This is the last renewal to store salt plow trucks on the property;
 10. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2021-026** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

August 9, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Conservation District Comments
Site Photographs Provided by Staff, Dated April 20, 2021
Neighborhood Meeting Documentation

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	July 12, 2021	August 26, 2021
Special Use	Held Over August 9, 2021 Approval	

STAFF CONTACT: **Byron Toy, AICP**
btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2021-026** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

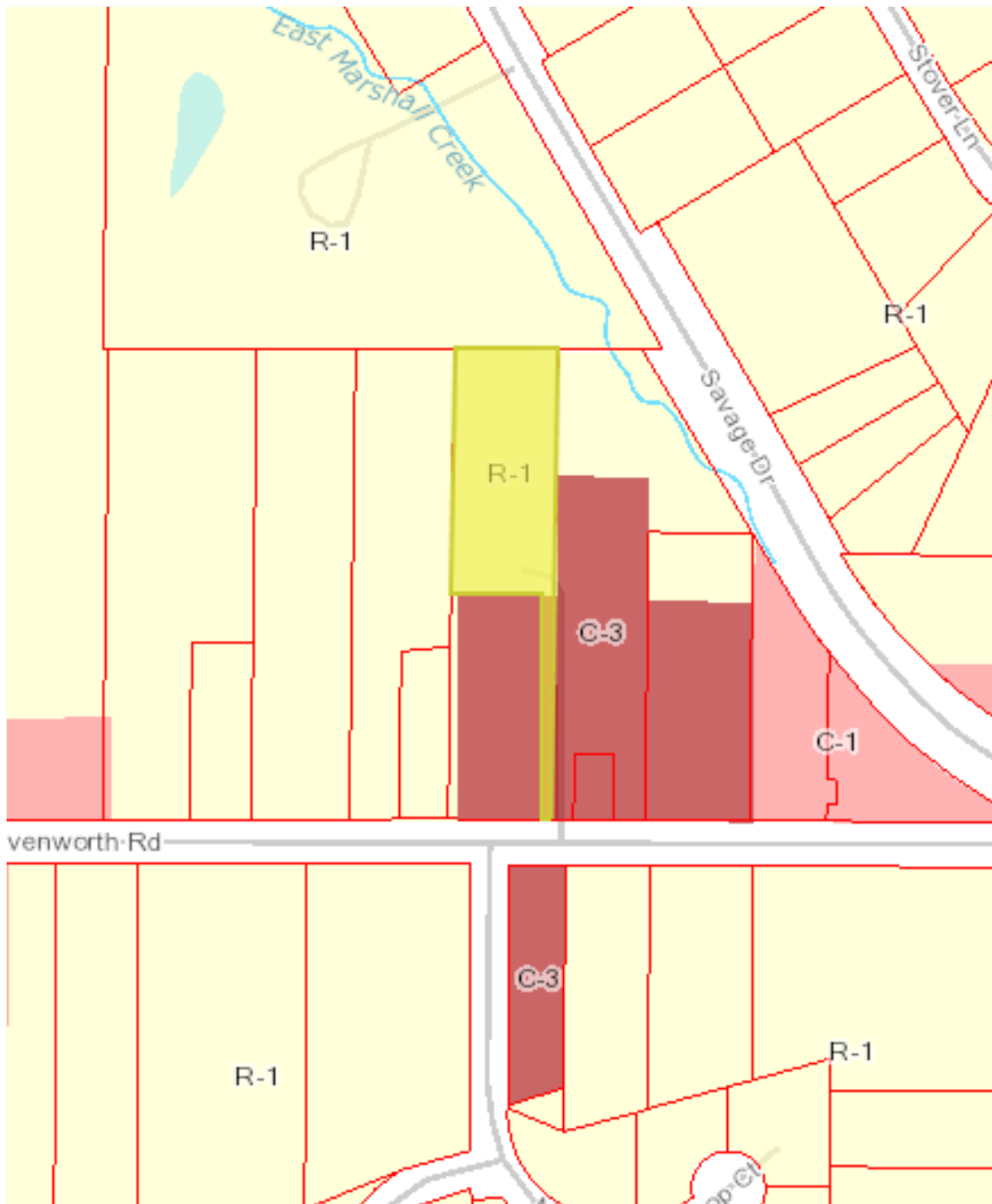
I move the Unified Government Board of Commissioners **DENY** Petition **SP2021-026** as it is not in compliance with the City Ordinances and as it will not promote the public

health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

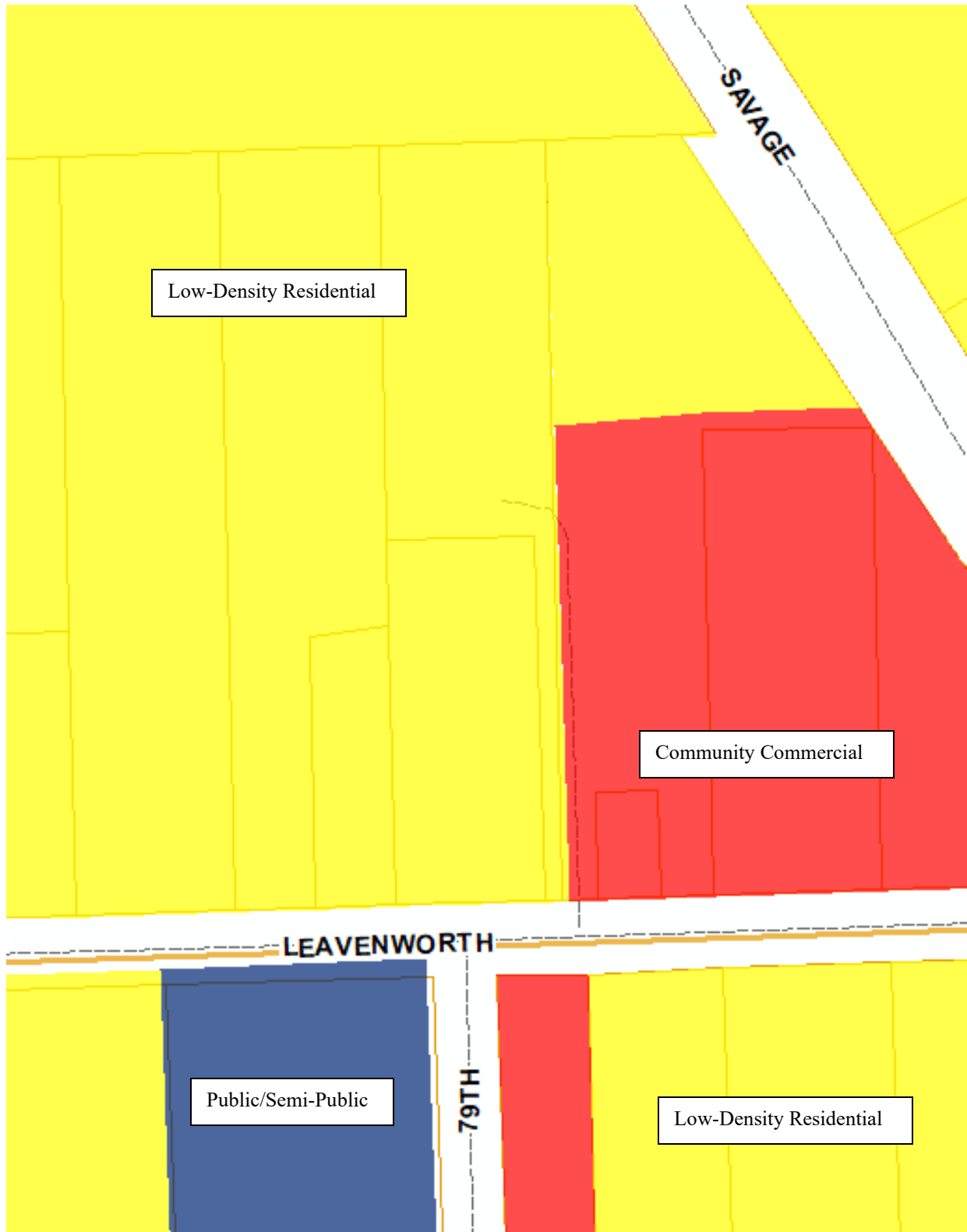
Aerial Map:



Zoning Map:



Land Use Map:



1. In person (with social distancing and masks in place).
2. Virtual Meeting.
3. You can have people contact you via email and/or phone call.

The deadline for the neighborhood meeting is **April 26, 2021 and on April 28, 2021** you are required to send your information to Janet L. Parker, CSC/APC, Executive Assistant, either by email (jparker@wycokck.org) or U.S. mail (Department of Urban Planning and Land Use, 701 North 7th Street, Suite 423, Kansas City, Kansas 66101):

1. List of people who participated in your in-person, Zoom or Skype meeting (if you were able to hold one.)
2. List of people who contacted you with questions and comments – please document their names and questions/comments.
3. Signed affidavit that you held the meeting (it is not required to be notarized because of COVID-19.)

KEY ISSUES

Noise
Expired Special Use Permit
Parking on Unimproved Surface
Runoff

SP2021-026 May 10, 2021 5

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

1. Provide updated site pictures of the property and a scaled site plan indicating where the trucks are parked.

Trucks will be parked on concrete slab on the west side of the garage or the asphalt strip on east side of building

2. The original Special Use Permit granted permission for the storage of four (4) trucks. Is the number of requested trucks remaining the same? How many vehicles are stored on site and what are their weights?

Yes, 4 8m regular ¾ ton pick ups. Only two trucks have a snow plow and a salt spreader,

3. Are all vehicles and equipment properly licensed, registered, and operable?

+

4. How often are the vehicles parked at the home? How frequently and at what times of day are they used?

Vehicles are only used during snow season.

5. Temporary Use of Land Special Use Permits are temporary in nature, with a two (2) year maximum. What are the long-term plans for the storage of the trucks?

We intend to reassess the viability of offering snow removal and ice treatment in another 24 months. We will decide whether to liquidate the equipment at that time.

6. Have you been in compliance with all conditions outlined in SP-2019-50, which state:

a. The trucks must be parked on an improved surface of asphalt or concrete.

Yes.

7. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request.

We do not service, sell, or dispose of tires.

8. Any business or land use in Wyandotte County that is required to provide off street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage

shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance.

We are not a business, and are not required to provide off street parking.

9. A building permit may be required.

We have no interest in future building construction, this permit is only for parking trucks during the off season(late March thru late November.)

SP2021-026 May 10, 2021 6

10.Vehicle repairs are not allowed to be done on the property. All vehicle repairs shall be performed within an enclosed building.

Agreed.

11.Trucks are not allowed to be washed on site to prevent contaminated water from getting into East Marshall Creek.

Agreed, trucks are driven onto property only once a year (at the end of the season, late march and taken off the property at the beginning of the season late november) after being washed thoroughly and cleaned.

12.Temporary Use of Land Special Use Permits have a maximum duration of two (2) years. If approved, the applicant will have two (2) years to find a permanent solution for the proposed use.

Agreed, we will find a solution.

13.Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Agreed.

14. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be

considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

Planning Engineering Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:

1) None

B) Items that are conditions of approval:

1) None

C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

1) None

Conservation District Comments:

Must comply with all Conservation District Requirements.

The parking area is paved however the back section of the lot flows into a drainage way. Our concern would be to ensure that any runoff is prevented from allowing chemicals, waste of debris from entering the drainage way.

Trucks are not allowed to be washed on site to prevent contaminated water from getting into East Marshall Creek.

SP2021-026 May 10, 2021 7

Conservation District Comments:



Wyandotte County Conservation District
1204 N. 79th Street - Kansas City, KS 66112 - Phone (913)-334-6329 -
wyco.conservation@gmail.com

Gunnar H. Hand
Director of Planning
701 North 7th Street Rm. 423
Kansas City, KS 66101
913-573-5750

April 13, 2021

RE: SP2021-026 Loyd Clay temporary truck parking 7852 Leavenworth Road

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: SP2021-026 Loyd Clay temporary truck parking 7852 Leavenworth Road.

In addition to the site review the following reports were generated from the Wyandotte County Soil Survey to assess the limitations for development and/or natural resources concerns for this site.

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Soil Features

In summary, the following limitations and resource concerns were noted for this plat:

- There are two major soil type identified: Marshall silt loam, 5 to 9 percent slopes and Knox silt loam, 12 to 18 percent slopes. These soil types are considered very erodible when the surface is denuded of a protective cover.
- The parking area is paved however the back section of the lot flows into a drainage way.
- Our concern would be to ensure that any runoff is prevented from allowing chemicals, waste or debris from entering the drainage way.

Technical assistance is available from our office. Limitation maps, detail soil reports and a conservation plan can also be requested for this site from our office.

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is

ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural soils and drainage pattern may have been changed in this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however, some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineation on the maps includes soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller
District Manager

enclosures

Map Unit Name—Wyandotte County, Kansas
(SP2021-26 7852 Leavenworth RD)

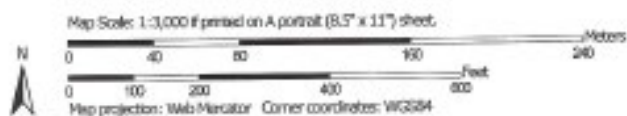
39° 5' 45" N



39° 5' 45" N

39° 5' 25" N

39° 45' 30" N

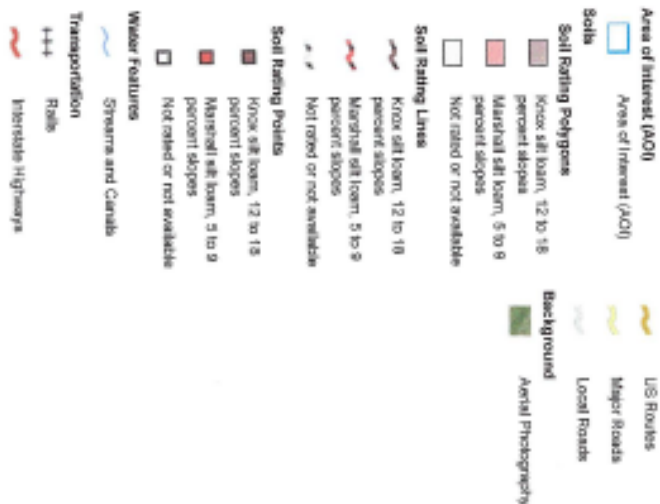


Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

4/7/2021
Page 1 of 3

MAP LEGEND



MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL: <http://websoilsurvey.sc.egov.usda.gov/>
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Wyandotte County, Kansas
 Survey Area Date: Version 14, Jun 10, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 16, 2019—Sep 23, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Name

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
7291	Marshall silt loam, 5 to 9 percent slopes	Marshall silt loam, 5 to 9 percent slopes	0.5	42.8%
7958	Knox silt loam, 12 to 18 percent slopes	Knox silt loam, 12 to 18 percent slopes	0.6	57.2%
Totals for Area of Interest			1.1	100.0%

Description

A soil map unit is a collection of soil areas or nonsoil areas (miscellaneous areas) delineated in a soil survey. Each map unit is given a name that uniquely identifies the unit in a particular soil survey area.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower



Map Unit Description (Brief, Generated)

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions in this report, along with the maps, provide information on the composition of map units and properties of their components.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

The Map Unit Description (Brief, Generated) report displays a generated description of the major soils that occur in a map unit. Descriptions of non-soil (miscellaneous areas) and minor map unit components are not included. This description is generated from the underlying soil attribute data.

Additional information about the map units described in this report is available in other Soil Data Mart reports, which give properties of the soils and the limitations, capabilities, and potentials for many uses. Also, the narratives that accompany the Soil Data Mart reports define some of the properties included in the map unit descriptions.

Report—Map Unit Description (Brief, Generated)

Wyandotte County, Kansas

Map Unit: 7291—Marshall silt loam, 5 to 9 percent slopes

Component: Marshall (90%)

The Marshall component makes up 90 percent of the map unit. Slopes are 5 to 9 percent. This component is on interfluvial uplands. The parent material consists of loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 4 percent. This component is in the R106XY015KS Loamy Upland (pe 30-37) ecological site. Nonirrigated land capability classification is 3e. This soil does not meet hydric criteria. There are no saline horizons within 30 inches of the soil surface.



Component: Sharpsburg (10%)

Generated brief soil descriptions are created for major soil components. The Sharpsburg soil is a minor component.

Map Unit: 7956—Knox silt loam, 12 to 18 percent slopes**Component: Knox (90%)**

The Knox component makes up 90 percent of the map unit. Slopes are 12 to 18 percent. This component is on hillslopes on uplands. The parent material consists of fine-silty loess. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R107BY003MO Deep Loess Exposed Backslope Savanna Quercus Macrocarpa-quercus Alba/amorpha Canescens/schizachyrium Scoparium-dalea Candida Bur Oak-white Oak/leadplant/little Bluestem-white Prairie Clover, Deep Loess Protected Backslope Woodland Quercus Rubra-tilia Americana/asimina Triloba-elmus Rubra/carex Jamesii-sanguinaria Canadensis Northern Red Oak-american Basswood/pawpaw-slippery Elm/james' Sedge-bloodroot ecological site. Nonirrigated land capability classification is 4e. This soil does not meet hydric criteria.

Component: Similar soil (10%)

Generated brief soil descriptions are created for major soil components. The Similar soil soil is a minor component.

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
Survey Area Data: Version 14, Jun 10, 2020

Wyandotte County, KS



GeoSpatial Services
 770 N 7th St, Suite 200 | Kansas City, MO 64101
 Ph: 913.873.0847 | gsa@wycad.org
 www.wycad.org/gsa



DISCLAIMER OF WARRANTY AND ACCURACY: United Government of Wyandotte, Co., Kansas City, KS (UG) makes no representations or warranties about the map or its content, including, without limitation, accuracy, completeness, or fitness for any purpose. Users of this map document do so at their own risk. UG will not be liable to any such user for any loss or damage whatsoever.

Legend

- ☐ Buildings
- ☐ Points of Interest
- ☐ Lakes
- ☐ Rivers
- ☐ Streams
- ☐ Parks
- ☐ Postal Parcel
- ☐ Unimproved Parcel
- ☐ RCM Parcel
- ☐ Municipal Boundaries
- ☐ Railroads

Locator Map



Notes

Map Print Date: 4/7/2021 1:37 PM

Soil Features

This table gives estimates of various soil features. The estimates are used in land use planning that involves engineering considerations.

A *restrictive layer* is a nearly continuous layer that has one or more physical, chemical, or thermal properties that significantly impede the movement of water and air through the soil or that restrict roots or otherwise provide an unfavorable root environment. Examples are bedrock, cemented layers, dense layers, and frozen layers. The table indicates the hardness and thickness of the restrictive layer, both of which significantly affect the ease of excavation. *Depth to top* is the vertical distance from the soil surface to the upper boundary of the restrictive layer.

Subsidence is the settlement of organic soils or of saturated mineral soils of very low density. Subsidence generally results from either desiccation and shrinkage, or oxidation of organic material, or both, following drainage. Subsidence takes place gradually, usually over a period of several years. The table shows the expected initial subsidence, which usually is a result of drainage, and total subsidence, which results from a combination of factors.

Potential for frost action is the likelihood of upward or lateral expansion of the soil caused by the formation of segregated ice lenses (frost heave) and the subsequent collapse of the soil and loss of strength on thawing. Frost action occurs when moisture moves into the freezing zone of the soil. Temperature, texture, density, saturated hydraulic conductivity (Ksat), content of organic matter, and depth to the water table are the most important factors considered in evaluating the potential for frost action. It is assumed that the soil is not insulated by vegetation or snow and is not artificially drained. Silty and highly structured, clayey soils that have a high water table in winter are the most susceptible to frost action. Well drained, very gravelly, or very sandy soils are the least susceptible. Frost heave and low soil strength during thawing cause damage to pavements and other rigid structures.

Risk of corrosion pertains to potential soil-induced electrochemical or chemical action that corrodes or weakens uncoated steel or concrete. The rate of corrosion of uncoated steel is related to such factors as soil moisture, particle-size distribution, acidity, and electrical conductivity of the soil. The rate of corrosion of concrete is based mainly on the sulfate and sodium content, texture, moisture content, and acidity of the soil. Special site examination and design may be needed if the combination of factors results in a severe hazard of corrosion. The steel or concrete in installations that intersect soil boundaries or soil layers is more susceptible to corrosion than the steel or concrete in installations that are entirely within one kind of soil or within one soil layer.

For uncoated steel, the risk of corrosion, expressed as *low*, *moderate*, or *high*, is based on soil drainage class, total acidity, electrical resistivity near field capacity, and electrical conductivity of the saturation extract.

For concrete, the risk of corrosion also is expressed as *low*, *moderate*, or *high*. It is based on soil texture, acidity, and amount of sulfates in the saturation extract.

Report—Soil Features

Map symbol and soil name	Restrictive Layer				Subsidence		Potential for frost action	Risk of corrosion	
	Kind	Depth to top	Thickness	Hardness	Initial	Total		Uncoated steel	Concrete
		Low-RV, High	Range		Low-High	Low-High			
		in	in		in	in			
7291—Marshall silt loam, 5 to 9 percent slopes									
Marshall		—	—		0	0	High	Moderate	Moderate
7956—Knox silt loam, 12 to 18 percent slopes									
Knox		—	—		—	—	High	Moderate	Low

Data Source Information

Soil Survey Area: Wyandotte County, Kansas
 Survey Area Data: Version 14, Jun 10, 2020

Neighborhood Meeting Documentation:

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

Comes now Loyd Clay, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition #SP 2021-026.
2. That a neighborhood meeting on 05/10/2021 at 6:00 PM Central Time was conducted via Zoom.
3. Attached is a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.
4. No questions or comments (negative or positive) were received via my email address or voice mail in response to the notice.

Further affiant saith not.

Loyd Clay
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this _____day of _____, 200__.

My commission expires _____ of _____, 200__.

Notary Public

Site Photographs Provided by Staff, Dated April 20, 2021:







Planning and Urban Design

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: August 26, 2021

Re: Petition SP2021-061

GENERAL INFORMATION

Applicant:
Jeffery Hollinshed

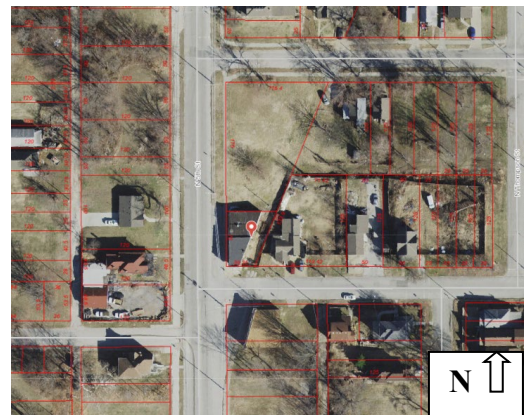
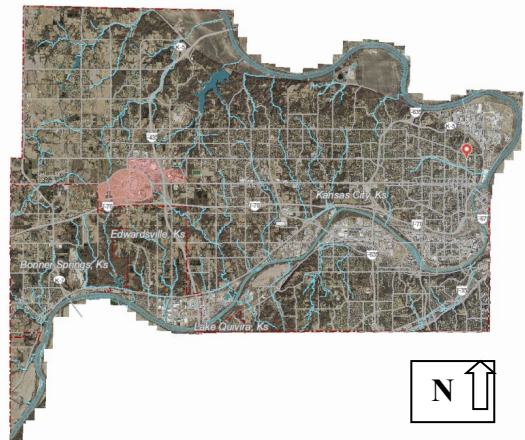
Status of Applicant:
Owner
1972 North Thompson Street
Kansas City, Kansas 66101

Requested Action:
Renewal of a Special Use Permit (expired on April 25, 2021).

Date of Application:
June 25, 2021

Purpose:
To continue to have live entertainment in a coffee shop/café.

Property Location:
2005 North 5th Street



Commission Districts:	Commissioner At Large: Melissa Bynum District #1 Commissioner: Gayle Townsend
Existing Zoning:	TND Traditional Neighborhood Design District
Adjacent Zoning:	North: RP-5 Planned Apartment District South: C-3 Commercial District East: RP-5 Planned Apartment District West: Planned Apartment District
Adjacent Uses:	North: Vacant land South: Commercial building East: Single family homes West: Single family homes and vacant lots
Total Tract Size:	0.50 Acre
Master Plan Area:	Northeast Area Master Plan
Master Plan Designation:	The Master Plan designates this property as Neighborhood Mixed Use, which allows single family homes, townhomes, duplexes, low rise apartments (2-4 stories), small commercial retail and office buildings, mixed use buildings (apartments/office above retail/office) and institutional buildings.
Major Street Plan:	The Major Street Plan classifies 5 th Street as a Collector Street.
Required Parking:	Sec. 27-668(a)(5) One (1) space for each 50 square feet of seating area plus one (1) space for each remaining 300 square feet of total floor area. Such establishments with less than 500 square feet of seating area shall supply at least ten (10) off-street parking spaces. A variance (Appeal #2129) was approved by the Board of Zoning Appeals on June 9, 2014, to have zero (0) off-street parking.
Advertisement:	<u>The Wyandotte Echo</u> – July 15, 2021 Letters to Property Owner – July 14, 2021 and August 19, 2021
Public Hearings:	August 9, 2021 and August 26, 2021
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jeffery Hollinshed wants to continue to offer live entertainment (jazz) to customers within the coffee shop/café located at 2003 – 2005 North 5th Street during the weekday and on weekends.

City Ordinance Requirements: 27-592 through 27-606

Zoning Enforcement Action: There are no Notice of Violations for this property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is varied with commercial buildings along 5th Street and residences, primarily single-family homes, throughout the area.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.

The zoning and their uses of properties nearby are set out above. The proposed uses are compatible with the surrounding area as this commercial storefront has been in operation since 1949.

3. The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property?

The property is suitable for the use. This portion of North 5th Street is a commercial corridor linking the Central Business District of downtown Kansas City, Kansas to the commercial corner of Quindaro Boulevard. Continuing live entertainment will not detrimentally affect nearby property if managed properly.

4. The length of time the property has remained vacant as zoned.

The property is not vacant. A commercial business has operated continuously since 1949.

5. The degree of conformance of the proposed use to the Master Plan.

Special Use Permits are not addressed in the Master Plan. Neighborhood Mixed Use allows small commercial retail.

6. Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

The proposed use will not increase the amount of vehicular traffic to the point where it exceeds the capacity of the Collector Street to accommodate it because there is on-street parking that is used for the coffee shop/café.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

Because this building has been a commercial store front since 1949, the proposed uses will not substantially injure the appropriate use, visual quality, or marketability of adjoining property.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

The noise, vibration, dust or illumination that would normally be associated with such use is of such duration and intensity as not to create problems for nearby property because the use does not create excessive noise, vibration or illumination relative to other types of commercial uses that would be permitted in the zoning district.

9. *Whether the proposed use will pollute the air, land or water.*

The proposed use will not pollute the air, land or water as it is an existing, commercial retail space.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing commercial retail space.

11. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.*

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowner is minimal. If the application is denied, the applicant may only have four (4) live entertainment events annually.

12. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*

The proposed use may result in overcrowding of on-street parking because a zero (0) off-street parking spaces are provided for the business via Appeal #2129, however, there are five (5) on-street parking spaces approved by the Public Works Department in front of the building. The proposed use will not result in overcrowding of land or cause undue concentrations of population as it operates within the existing commercial building. The coffee shop/café has a

maximum occupancy per the International Building Code, so the continuation of live entertainment as background music for patrons/customers will not cause undue concentrations of population in the building.

PREVIOUS ACTIONS

- SP-2019-16 was approved for two (2) years by the Board of Commissioners on March 28, 2019.
- The Board of Zoning Appeals approved a variance (Appeal #2129) for zero (0) off-street parking on June 9, 2014, and a Change of Zone (COZ #3121) from RP-5 Planned Apartment District to TND Traditional Neighborhood Design District in October 2016 to continue to operate a corner store, barbershop, and café since 1949.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on July 26, 2021 by in-person meeting at 2003 ½ North 5th Street.

Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise
Security for customers

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit **SP2021-061 for five (5) years**, subject to:

1. **Plant three (3) trees between the north façade of the building, north along North 5th Street towards Parallel Avenue (list of approved street trees are in the attachments);**
2. **Submit a sign permit application and scaled and dimensioned drawing of the mural on the north façade of the building to the Department of Planning and Urban Design;**
3. **The coffee shop and dining area has thirty-two (32) seats and closes at 11:00 PM on Thursday, Friday, and Saturday. The music performed by local artists will be ambient and not a dance club or lounge. Work with USD 500 to offer opportunity for student musicians;**
4. **Hours of operation is Thursday and Saturday 5:00 PM – 11:00 PM and Sunday 11:00 AM – 5:00 PM;**
5. **Alcohol can be served on the premises, but must comply with regulations regarding total food sales exceeding alcohol sales;**
6. **An ID card reader shall be provided as alcohol is served on the premises;**

7. Any illumination that results from a live entertainment event shall not be seen or otherwise impact adjacent residential uses;
8. Doors and windows shall remain closed when live entertainment is being performed;
9. If there is an incident that the authorities are notified by the owner/manager, and the patron is promptly removed;
10. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;
11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations; and,
12. Subject to approval, the Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2021-061** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

August 9, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Wyandotte County Parks Department Street Tree List
Applicant Response Email
Neighborhood Meeting Minutes
Site Photographs Provided by Staff dated July 14, 2021

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	August 9, 2021	August 26, 2021
Special Use	Approval	

STAFF CONTACT: **Byron Toy, AICP**
 btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2021-061** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2021-061**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

August 9, 2021 City Planning Commission Minutes:

SPECIAL USE PERMIT SP2021-061 – JEFFREY E. HOLLINSHED – SYNOPSIS:

Renewal of a Special Use Permit (SP-2019-16) for live entertainment at 2003 ½ to 2005 North 5th Street.

Detailed Outline of Requested Action: The applicant, Jeffery Hollinshed wants to continue to offer live entertainment (jazz) to customers within the coffee shop/café located at 2003 – 2005 North 5th Street during the weekday and on weekends.

City Ordinance Requirements: 27-592 through 27-606

Zoning Enforcement Action: There are no Notice of Violations for this property.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items?" No one responded in the affirmative.

"Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated August 9, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publications in The Echo for the Special Use Permit; and,
7. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone requests that an item be removed from the Consent Agenda."

Chairman Carson asked if any member of the Commission, staff or public wishes to remove an item from the Consent Agenda. No one responded in the affirmative.

On motion by Mrs. Jones, seconded by Dr. Hill, the Planning Commission voted as follows to **APPROVE** the items on the Consent Agenda:

Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	Not Present
Ernst	Aye
Hill	Aye
Huey	Not Present
Jones	Aye
Miller	Not Present
Mohler	Aye

Pauley Aye
Motion to APPROVE Passed: 6 to 0
Subject to:

- 1. Plant three (3) trees between the north façade of the building, north along North 5th Street towards Parallel Avenue (list of approved street trees are in the attachments);**
- 2. Submit a sign permit application and scaled and dimensioned drawing of the mural on the north façade of the building to the Department of Planning and Urban Design;**
- 3. The coffee shop and dining area has thirty-two (32) seats and closes at 11:00 PM on Thursday, Friday, and Saturday. The music performed by local artists will be ambient and not a dance club or lounge. Work with USD 500 to offer opportunity for student musicians;**
- 4. Hours of operation is Thursday and Saturday 5:00 PM – 11:00 PM and Sunday 11:00 AM – 5:00 PM;**
- 5. Alcohol can be served on the premises, but must comply with regulations regarding total food sales exceeding alcohol sales;**
- 6. An ID card reader shall be provided as alcohol is served on the premises;**
- 7. Any illumination that results from a live entertainment event shall not be seen or otherwise impact adjacent residential uses;**
- 8. Doors and windows shall remain closed when live entertainment is being performed;**
- 9. If there is an incident that the authorities are notified by the owner/manager, and the patron is promptly removed;**
- 10. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;**
- 11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations; and,**
- 12. Subject to approval, the Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.**



Figure 1. Aerial Photograph of 2005 North 5th Street (provided by UG Maps).



Figure 2. Zoning Map of 2005 North 5th Street (provided by UG Maps).

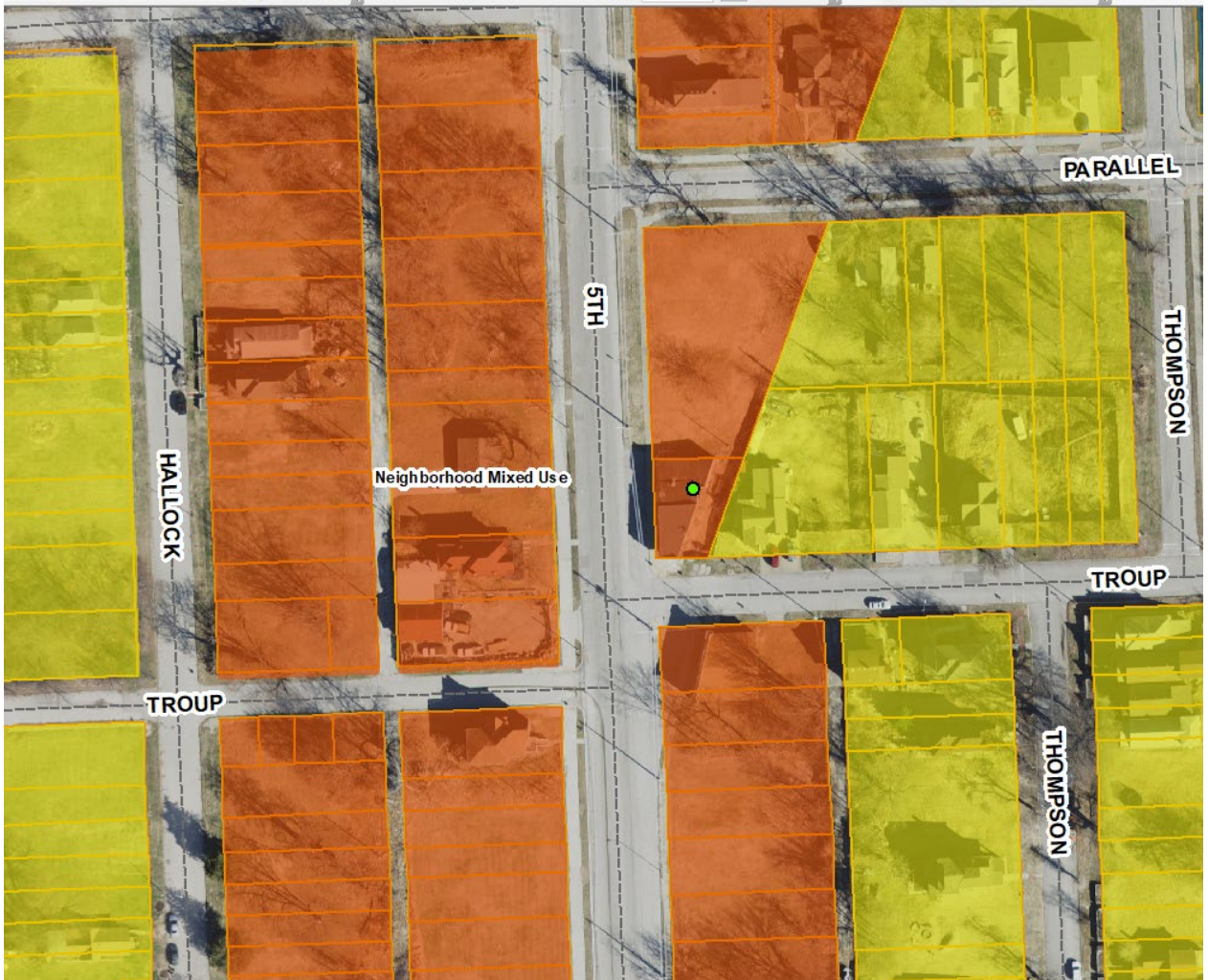


Figure 3. Northeast Area Master Plan Land Use Map (provided by ArcMap).

Kansas City, Kansas Permitted Street Tree Listing

(June 2017)

A. Small Trees (usually under 25 feet at maturity)			
1.	<i>Acer tataricum</i> subsp. <i>ginnala</i>	Amur maple	
2.	<i>Acer griseum</i>	Paperbark maple	
3.	<i>Acer tataricum</i>	Tatarian maple	'Hotwings'
4.	<i>Acer truncatum</i>	Shantung maple	
5.	<i>Acer truncatum</i> x <i>plantanoides</i>	Norwegian sunset maple	'Warrenred' 'Keithsform'
6.	<i>Amelanchier</i> x <i>grandiflora</i>	Serviceberry*	better cultivar 'Autumn Brilliance'
7.	<i>Cercis species</i> (spp.)	Eastern and Oklahoma redbud	
8.	<i>Malus</i> spp.	Crabapple	'Royal raindrop', 'Adirondack', 'Velvet Pillar'
9.	<i>Syringa pekinensis</i>	China Snow tree lilac	'Morton'
10.	<i>Syringa reticulata</i>	Japanese tree lilac	'Ivory silk'
11.	<i>Prunus virginiana</i>	Common chokecherry*	better cultivars 'Canada Red Improved' and 'Shubert'
B. Medium Trees (usually 25-40 feet at maturity)			
1.	<i>Carpinus betulus</i>	European hornbeam	
2.	<i>Cornus species</i> (spp.)	Dogwood	Typical understory planting. Species selection important for sun tolerance.
3.	<i>Koelreuteria paniculata</i>	Goldenrain tree	
4.	<i>Quercus muehlenbergii</i>	Chinkapin oak	
5.	<i>Acer buergerianum</i>	Trident maple	
6.	<i>Acer campestre</i> 'Evelyn'	Hedge maple	
7.	<i>Acer truncatum</i>	Shantung maple	
8.	<i>Cladrastis kentukea</i>	American yellowwood	
9.	<i>Maclura pomifera</i>	Osage-orange	Male cultivars only 'Whiteshield', 'Wichita'
10.	<i>Ulmus propinqua</i> 'JFS-Beiberich'	Emerald Sunshine elm	New introduction from OK proven in KS
C. Large Trees (usually 40 feet or larger at maturity)			
1.	<i>Acer miyabei</i>	Miyabei maple	'State Street'
2.	<i>Acer plantanoides</i>	Norway maple	
3.	<i>Acer saccharum</i>	Sugar maple	Suggested cultivar 'Hiawatha 1'
4.	<i>Acer saccharum</i> var. <i>caddo</i>	Caddo sugar maple	Heat and drought tolerant. Cultivars 'John Pair' and 'Autumn Splendor'
5.	<i>Betula nigra</i>	River birch	Single stem only
6.	<i>Corylus colurna</i>	Turkish filbert	Needs large space
7.	<i>Ginkgo biloba</i>	Ginkgo	Male cultivars only
8.	<i>Gleditsia triacanthos inermis</i>	Thornless Honeylocust	'Imperial' 'Shademaster' 'Skyline'

	Permitted Large Trees		
9.	<i>Gymnocladus dioica</i>	Kentucky coffeetree	Male cultivars available. Durable native.
10.	<i>Liquidambar styraciflua</i>	Sweetgum	Male cultivars only
11.	<i>Metasequoia glyptostroboides</i>	Dawn redwood	Needs large space
12.	<i>Nyssa sylvatica</i>	Black gum	
13.	<i>Quercus acutissima</i>	Sawtooth oak	
14.	<i>Quercus alba</i>	White oak	
15.	<i>Quercus bicolor</i>	Swamp white oak	Soil pH should determined
16.	<i>Quercus coccinea</i>	Scarlet oak	
17.	<i>Quercus imbricaria</i>	Shingle oak	
18.	<i>Quercus lyrata</i>	Overcup oak	
19.	<i>Quercus macrocarpa</i>	Bur oak	
20.	<i>Quercus phellos</i>	Willow oak	
21.	<i>Quercus robur</i>	English oak	Choose mildew resistant cultivars
22.	<i>Quercus rubra</i>	Northern red oak	Soil pH should determined
23.	<i>Quercus shumardii</i>	Shumard oak	
24.	<i>Taxodium distichum</i>	Baldcypress	
25.	<i>Tilia cordata</i>	Littleleaf linden	
26.	<i>Tilia tomentosa</i>	Silver linden	Cultivars 'Sterling Silver' 'Green Mountain'
27.	<i>Tilia Americana</i>	American linden	
28.	<i>Ulmus americana</i>	American elm	Cultivars resistant to Dutch elm disease; 'New Harmony', 'Princeton', 'Lewis and Clark', 'Jefferson'
29.	<i>Ulmus parvifolia</i>	Lacebark elm	'Elmer II'
30.	<i>Ulmus wilsoniana</i>	Prospector elm	
31.	<i>Zelkova serrata</i>	Zelkova, columnar or Japanese	'Musashino' 'Village green' 'Green vase'

* Fruits produced - site selection important

Kansas City, Kansas Prohibited Street Tree Listing

(June 2017)

Prohibited Street Trees			
1.	<i>Abies species (spp.)</i>	Fir	
2.	<i>Acer saccharinum</i>	Silver maple	
3.	<i>Albizia julibrissin</i>	Mimosa	
4.	<i>Celtis occidentalis</i>	Northern hackberry	
5.	<i>Celtis laevigata</i>	Sugar hackberry	
6.	<i>Diospyros virginiana</i>	Persimmon	
7.	<i>Elaeagnus angustifolia</i>	Russian olive	
8.	<i>Fraxinus Americana</i>	White ash	
9.	<i>Fraxinus pennsylvainica</i>	Green ash	
10.	<i>Maclura pomifera</i>	Osage orange – fruited/thorned varieties	
11.	<i>Morus spp.</i>	Mulberry	
12.	<i>Picea spp.</i>	Spruce	
13.	<i>Pinus spp.</i>	Pine	
14.	<i>Platanus acerifolia</i>	London plane tree	
15.	<i>Platanus occidentalis</i>	Sycamore	
16.	<i>Populus spp.</i>	Cottonwood	
17.	<i>Pyrus calleryana</i>	Bradford pear	
18.	<i>Ulmus pumila</i>	Siberian elm	
19.	<i>Ailanthus altimssima</i>	Tree of Heaven	
20.	<i>Acer negundo</i>	Boxelder	
21.	<i>Salix spp.</i>	Willow	
22.	Edible fruit trees		

From: [Hollinshed, Jeffrey](#)
To: [Toy, Byron](#)
Subject: SUP2021-061 Renewal
Date: Wednesday, July 28, 2021 5:04:48 PM

Byron,

It was stuck in draft box....sorry.

Jeff

1. List of people who participated in your in-person, Zoom or Skype meeting (if you were able to hold one.)

The meeting was opened at 6:00 pm on Monday, July 26, 2021 and remained open until 6:30 pm. There was Samantha Bradshaw and myself.

2. List of people who contacted you with questions and comments – please document their names and questions/comments.

I have not received any questions or comments since sending out the community letters to renew the Special Use Permit. There have been zero noise complaints and zero issues of customer or staff security.

3. Signed affidavit that you held the meeting (it is not required to be notarized because of COVID-19.)

Attached

1. Provide updated pictures of the inside of the property.

Attached

2. Did you obtain a sign permit for the mural on the north façade of the building?

I did not realize the definition of community would be described as a mural. I will obtain a permit, if allowed.

3. Along a Major Street, one (1) tree shall be planted for every thirty (30) feet on frontage, spaced 55 – 65 feet apart. Based on 175-foot frontage, plant six (6) street trees along North 5th Street. See the Wyandotte County Parks Department Street Tree List in the attachments.

I do not remember the requirement of tree planting from the original SUP, but it has been 2 years and my memory may have failed me. I have planted 1 additional catalpa tree in the NE center of the north field in August 2020. There are 2 mature trees on the property. The measurement of 175 foot frontage includes the full length of the building that does not have any green space to plant trees. Your guidance indicates 6 trees should be planted 55-65 feet apart. The north field (that includes open green space and multiple trees) is approximately 110 feet long so I will need more clearly defined guidance to comply with the tree requirement.

4. Describe any changes that have been made to the operation since the initial approval in 2019.

In December of 2019 I suffered a medical trauma and had to depend on a friend to help manage the daily operations for 6 months while I was in various forms of therapy. She also works a full time job and the hours of operation were too much for her to handle. The volume of sales were very low in the mornings on the weekends and the menu required additional inventory that did not contribute to profit. In June of 2019, the hours of operation changed to Thursday – Saturday 5pm – 11pm and Sunday 11 – 5 pm.

In March 2020, the Covid 19 pandemic forced me to temporarily close the business. When I believed the virus spread was moving in a positive direction, I made plans to reopen. The original space was very small and did not allow for social distancing. I exposed the old opening between 2003 N. 5th St and 2003 ½ N. 5th St to create a small family dining room, using the existing restroom in 2003 to accommodate more guests. The dining area increases the space for social distancing and has increased the seating from the original 18 seats to 32 seats.

5. Has the business received any formal complaints concerning the live entertain since 2019?

There have been zero complaints made formally or informally regarding the live entertainment.

6. What are the proposed hours of operation with and without live entertainment?

The current hours of operation are Thursday – Saturday 5 pm – 11 pm and Sunday 11 am – 5 pm. The plan is to continue the Saturday evening 6 – 10 pm jazz sessions and we are also in talks to create an opportunity for some local, young musicians to perform on Sunday afternoons.

7. What measure have been taken to comply with the conditions of approval from the previous 2019 permit?

a. The coffee shop has eighteen (18) seats and closes at 10:00 PM on Thursday, Friday, and Saturday. The music performed by local artists will be ambient and not a dance club or lounge. Work with USD 500 to offer opportunity for student musicians.

The hours have been expanded 1 hour to 11 pm on Thursday – Saturday.

The music has been a 2 or 3 piece jazz band of local artists that provide ambient music.

I have reached out to each of the 5 high school band directors and principals to invite musicians, but we have not yet had any interest. This may be in part due to Covid – 19 as students were not in person for almost a year.

b. Hours of operation is Thursday and Friday 5:00 PM – 10:00 PM, Saturday 8:00 AM – 10:00 PM and Sunday 8:00 AM – 2:00 PM.

This has been responded to multiple times in previous questions.

c. Alcohol can be served on the premises, but must comply with regulations regarding total food sales exceeding alcohol sales.

The business maintains an active liquor license, in good standing. I work very hard to offer a quality menu to balance food and alcohol sales. I expanded the space to create a family dining room to increase food sales.

d. An ID card reader shall be provided as alcohol is served on the premises.

An ID card reader is on premises and used during each live music performance.

e. If there is an incident that the authorities are notified by the owner/manager, and the patron is promptly removed.

There have been zero issues that required the authorities to remove any patrons.

8. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

9. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.

10. Subject to approval, the Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal

[Outlook for iOS](#)

MINUTES:

Application Number SP 2021 - 061

Date and Location: 26 JUL 21 2003 1/2 N. 5th ST

Meeting called to order at: 6:00 PM

Names of people in attendance: JEFFREY E. HOLLINSHAW
SAMANTHA S. BRADSHAW

Introductions: N/A

Presentation by applicant and/or team

JEFFREY E. HOLLINSHAW

Questions and answers (include the following):

OVER VIEW OF SUP RENEWAL

Meeting adjourned at: 6:30

Minutes taken by: JEFFREY E. HOLLINSHAW

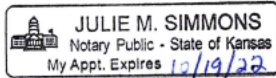
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF WYANDOTTE)

Comes now SEYMOUR E. HOLLINGSTAD of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2021-061
2. That I conducted a neighborhood meeting on 26 JUL 21.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.



[Signature]
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27th day of July, 2002021

My commission expires 19th of October, 2002022.

[Signature]
Notary Public



Figure 4. Site Photograph of 2005 North 5th Street (provided by Staff).



Figure 5. Site Photograph of 2005 North 5th Street (provided by Staff).



Figure 6. Site Photograph of 2005 North Thompson Street (provided by Staff).



Figure 7. Photograph of John's Java and Jazz in 2003 – 2005 North 5th Street (provided by the applicant).



Figure 8. Photograph of John's Java and Jazz in 2003 – 2005 North 5th Street (provided by the applicant).



Figure 9. Photograph of John's Java and Jazz in 2003 – 2005 North 5th Street (provided by the applicant).



Planning and Urban Design

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: August 26, 2021

Re: **Petition VAC2021-009**

GENERAL INFORMATION

Applicant:
Wil Anderson

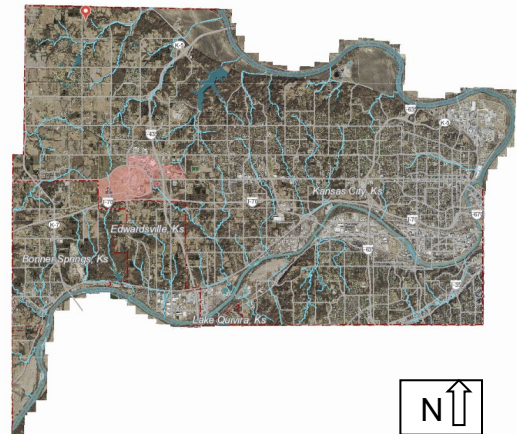
Status of Applicant:
Representative
BHC
712 State Avenue
Kansas City, KS 66101

Requested Action:
To approve an easement vacation.

Date of Application:
June 25, 2021

Purpose:
To replace a separate easement to BPU at the existing location of power lines.

Property Location:
5917 North 123rd Street
Kansas City, KS 66109



Commission District:	Commissioner At Large: Melissa Bynum District #5 Commissioner: Michael (Mike) Kane
Existing Zoning:	R (WYCO) Rural Residence District
Adjacent Zoning:	North: R (WYCO) Rural Residence District South: A-G (WYCO) Agriculture District East: A-G (WYCO) Agriculture District West: A-G Agriculture District
Adjacent Uses:	North: Large lot single family home South: Large lot single family home East: Large lot single family home and farmland West: Large lot single family homes
Neighborhood Characteristics:	The neighborhood is residential in nature, comprised of large lot single-family homes and farmland.
Total Tract Size:	5.976 Acres
Master Plan Area:	Prairie Delaware Piper Master Plan
Master Plan Designation:	The Master Plan designates this property as Low Density Residential, which allows single family detached residential units and should appear less dense. Development in these areas should include significant areas for open space to maintain the rural character of the area. These areas may include lots ranging in size from three (3) acres to one-third (1/3) of an acre.
Major Street Plan:	The Major Street Plan classifies North 123 rd Street as a Collector Street.
Required Parking:	Article V. Section 4. 5. B. 1. Two (2) spaces per dwelling unit, plus two (2) spaces for any accessory house occupation or principal agriculture use. No parking is required for this entitlement, or that provided parking is not applicable.
Advertisement:	<u>Wyandotte Echo</u> – July 15, 2021 Letters to Property Owners – July 14, 2021 and August 20, 2021
Public Hearings:	August 9, 2021 and August 26, 2021
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Wil Anderson with BHC on behalf of Britt Davis, property owner, wants to vacate a BPU electrical easement that is on 5917 North 123rd Street and record a separate electrical easement for the existing electrical lines.

City Ordinance Requirements: Article XXI Sections 27-502 – 27-709 and K.S.A. 12-504 to 12-506 and 12-512b.

Code Enforcement History: There is no enforcement history on the property.

FACTORS TO BE CONSIDERED

1. ***Development of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity.***

Development is of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity because the portion utility easement on the parcel is owned by the property owner.

2. ***The extent to which utilities and public services are available and adequate to serve the proposed use.***

- a. ***Water service***

Water service is provided by BPU.

- b. ***Sanitary sewer service***

Sanitary sewer service is not provided by the UG.

- c. ***Storm water control***

To be designed to meet City Code.

- d. ***Police***

Police service provided by West Patrol, District #224.

- e. ***Fire***

Fire service provided by Station #8 located at North 123rd Street and Leavenworth Road.

f. Transit

Kansas City ATA does not provide transit service near this property. The closest stop is located at North 109th Street and Parallel Parkway, approximately 4.4 miles southeast, Routes #101, #113 and #116.

g. Schools

Public education is provided by Piper USD 203.

- 3. *Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.***

North 123rd Street is existing and already designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient location and structural quality as to accommodate prospective traffic, however Public Works Department or the County Surveyor may make additional comments.

- 4. *Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.***

This vacation will vacate an electrical easement on the property, the buildings and parcels and streets will not change, therefore they are so arranged as to afford adequate light, open space, or air, to facilitate fire protection, and to provide long-term sustained real estate values.

- 5. *Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation shall be protected and enhanced.***

Development patterns are existing with large lot single family homes within this established residential neighborhood. No future development is proposed within the area, so the natural features of the land and vegetation is being maintained.

- 6. *Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.***

There are no sites for schools, parks, playground, or other community services because this is an easement vacation, which only impacts the applicant's property.

7. Vacation will not create utility conflicts.

The Public Works Department is reviewing if there are utility conflicts within the easement.

KEY ISSUES

Public Works Department Comments

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Vacation **VAC2021-009**, subject to:

1. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing, or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated;
2. The County Surveyor makes separate technical review of the vacation documents and submits comments directly to the preparer of the vacation;
3. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,
4. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Vacation Petition **VAC2021-009** subject to all comments and suggestions outlined in this staff opinion and the conditions of the City Planning Commission.

ATTACHMENTS

August 9, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Vacation Exhibit
Site Photographs taken by Staff dated July 14, 2021.

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	August 9, 2021	August 26, 2021
Vacation	Approval	

STAFF CONTACT: **Byron Toy, AICP**
 btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **VAC2021-009** as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **VAC2021-009**, as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

August 9, 2021 City Planning Commission Minutes:

Hearing starts at 3:45:20:

VACATION APPLICATION VAC2021-009 – WIL ANDERSON WITH BHC RHODES -

SYNOPSIS: Vacation of an electrical utility easement at 5917 North 123rd Street.

Detailed Outline of Requested Action: The applicant, Wil Anderson with BHC on behalf of Britt Davis, property owner, wants to vacate a BPU electrical easement that is on 5917 North 123rd Street and record a separate electrical easement for the existing electrical lines.

City Ordinance Requirements: Article XXI Sections 27-502 – 27-709 and K.S.A. 12-504 to 12-506 and 12-512b.

Code Enforcement History: There is no enforcement history on the property.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated August 9, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Wil Anderson, applicant, BHC Rhodes, 712 State Avenue, Kansas City, Kansas 66101

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:47:47: Planning Director Hand stated that this property is in the Prairie-Delaware-Piper Master Plan area. He further stated that the applicant is simply swapping one (1) easement for another utility easement on the same property. Staff recommends approval subject to the right of the city to re-enter the property in the future if need be.

Motion and Vote starts at 3:48:24:

On motion by Mrs. Jones, seconded by Dr. Hill, the Planning Commission voted as follows to **recommend APPROVAL of Vacation Application VAC2021-009:**

Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	Not Present
Ernst	Aye
Hill	Aye
Huey	Not Present
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye

Motion to RECOMMEND APPROVAL Passed: 6 to 0

Subject to:

1. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing, or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated;
2. The County Surveyor makes separate technical review of the vacation documents and submits comments directly to the preparer of the vacation;
3. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,
4. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.



Figure 1. Aerial Photograph of 5917 North 123rd Street (provided by UG Maps).

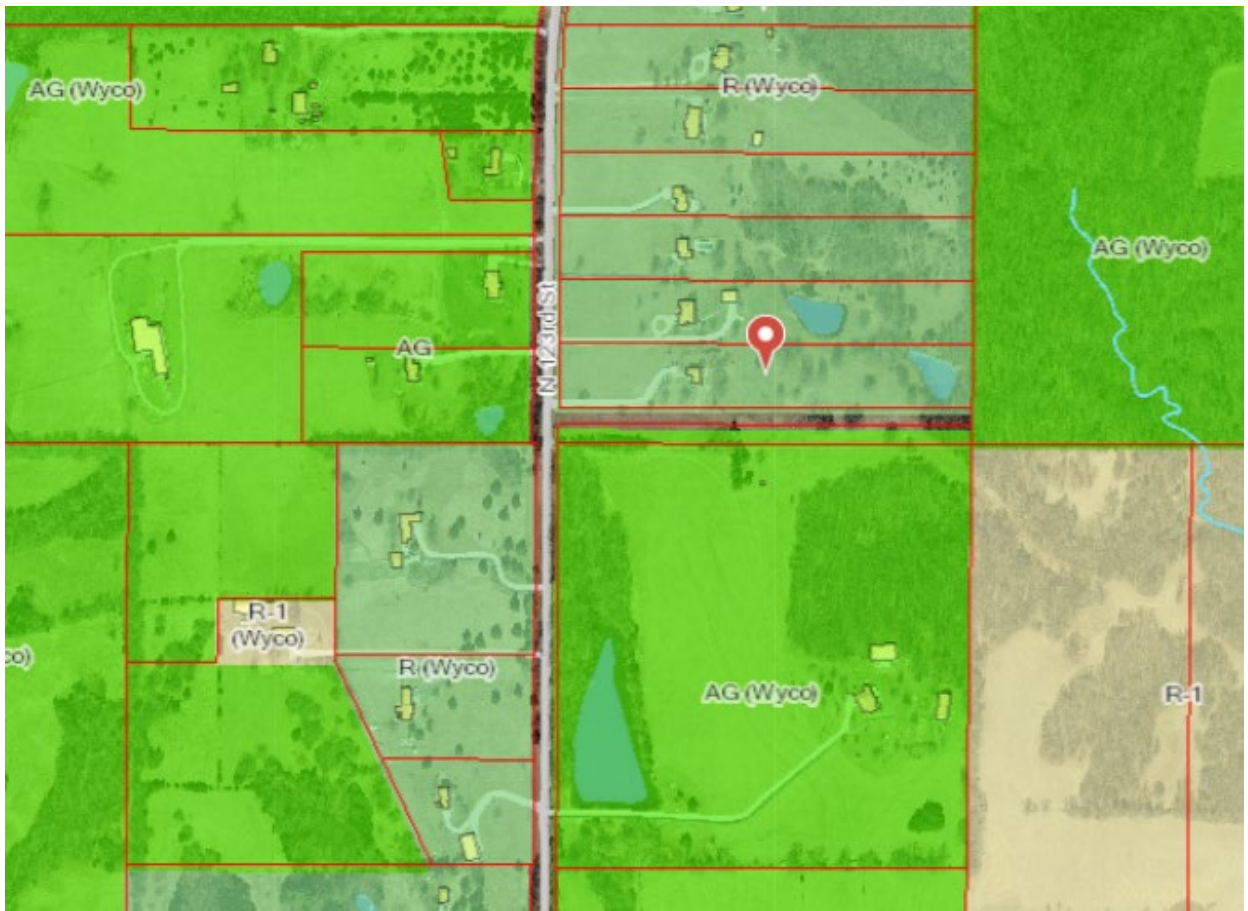


Figure 2. Zoning Map for 5917 North 123rd Street (provided by UG Maps).

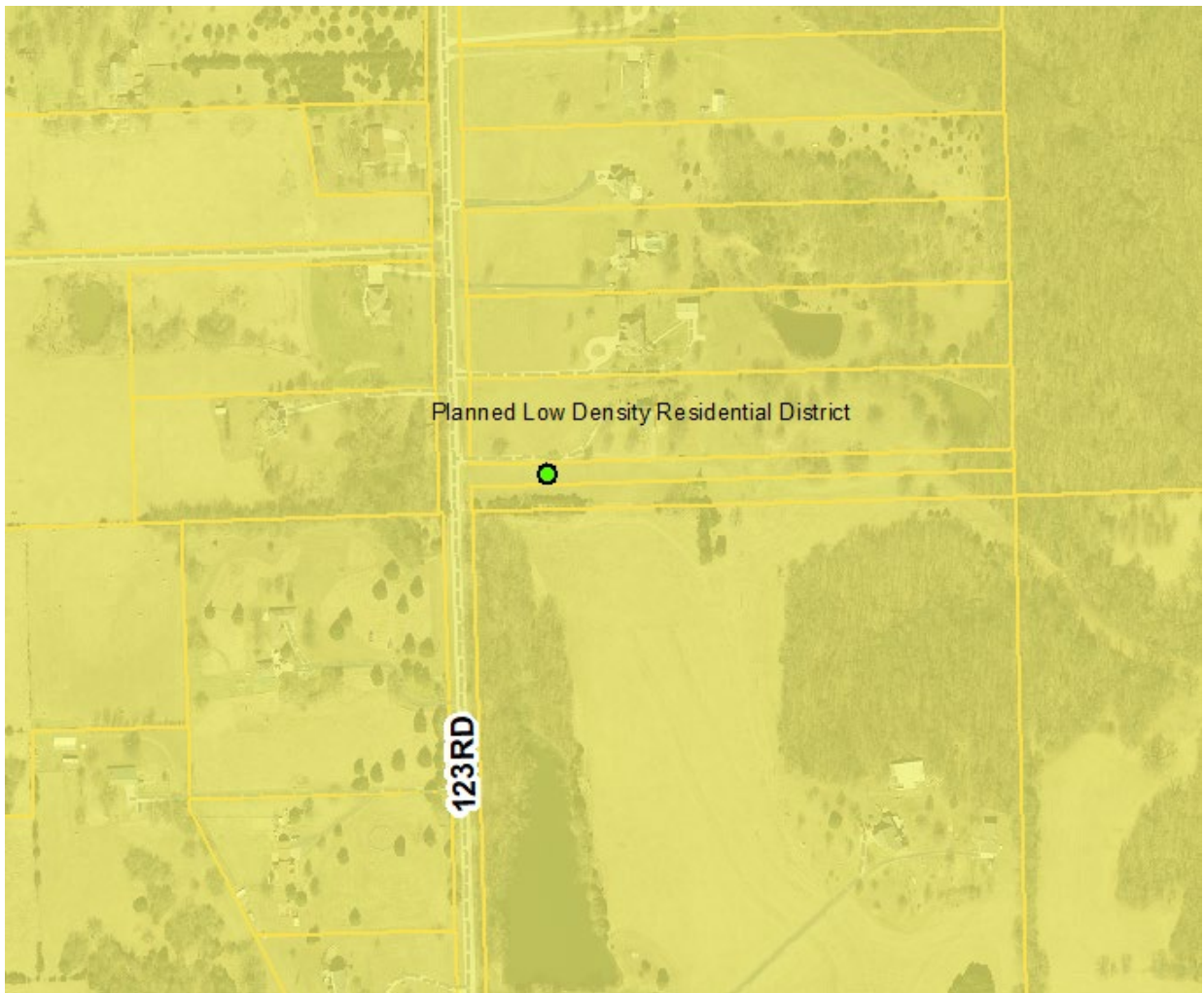


Figure 3. Prairie Delaware Piper Master Plan Land Use Map (provided by ArcMap).

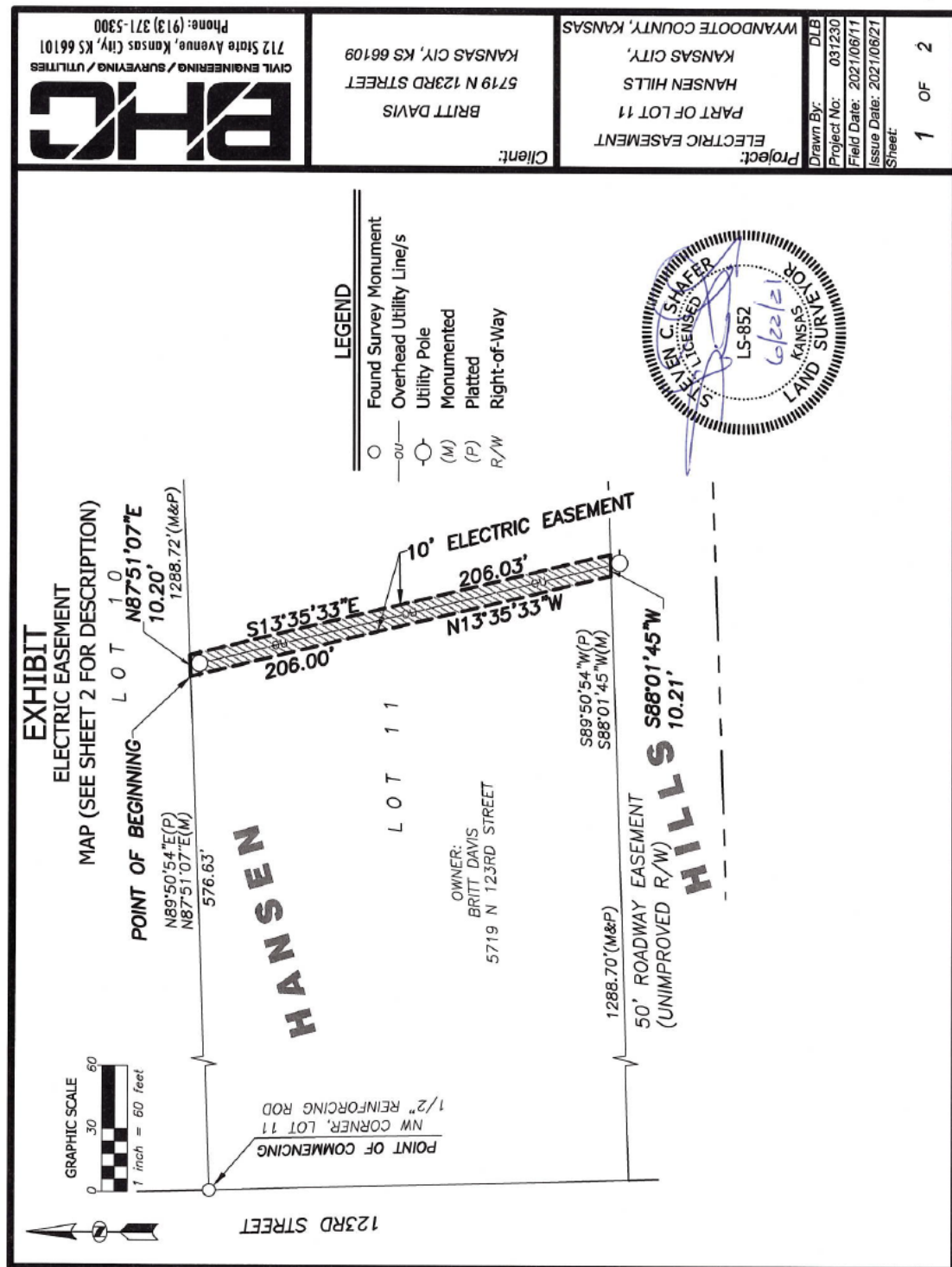




Figure 4. Site Photograph of the right-of-way 5917 North 123rd Street (provided by Staff).



Planning and Urban Design

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: August 26, 2021

Re: **Petition PR2021-019**

GENERAL INFORMATION

Applicant:
Mike Sanders

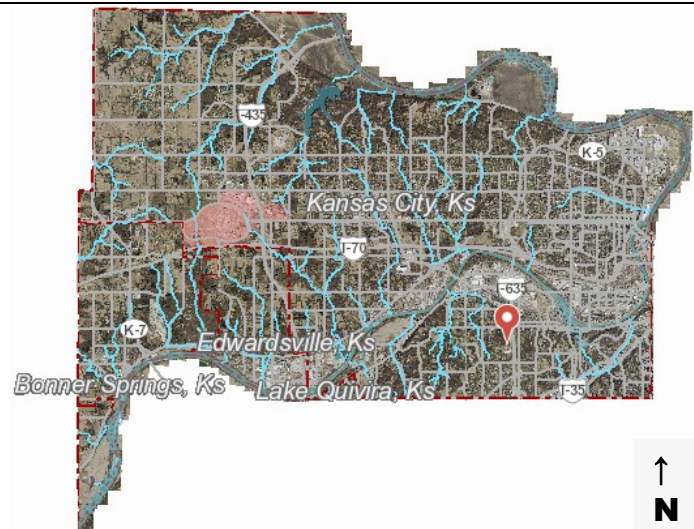
Status of Applicant:
Representative
Nampara Properties, LLC
3155 Fiberglass Road
Kansas City, Kansas 66115

Requested Actions:
Approval of a Preliminary and Final
Plan Review.

Date of Application:
May 28, 2021

Purpose:
A Preliminary and Final Plan Review
for an office warehouse.

Property Location:
4501 Douglas Avenue
Kansas City, Kansas 66106



Commission District:	Commissioner At Large: Tom Burroughs District #6 Commissioner: Angela Markley
Existing Zoning:	MP-2 Planned General Industrial District
Adjacent Zoning:	North: MP-2 Planned General Industrial and R-1 Single Family Districts South: MP-2 Planned General Industrial District East: MP-2 Planned General Industrial District West: MP-2 Planned General Industrial District
Adjacent Uses:	North: Undeveloped properties South: Commercial business East: Commercial business West: Developing lot
Neighborhood Characteristics:	The subject property is within the Turner Statistical Neighborhood. The immediate neighborhood consists of large industrial lots that feature warehouses and other large buildings. The properties are close to interstate highway access, served by Interstate-635.
Total Tract Size:	2.13 Acres
Master Plan Area:	City-Wide Master Plan
Master Plan Designation:	The City-Wide Master Plan designates the property as Business Park. The Business Park land use designation allows the warehousing and distribution of non-hazardous material, business/research parks, related commercial and service uses (e.g., wholesale and outlet stores, office supply stores, service stations, convenience stores, hotels, restaurants, etc.), and medical facilities. Business Park discourages heavy industrial uses and single-family residences. A traffic study is required for any new development.
Major Street Plan:	The Major Street Plan classifies Douglas Avenue as a Local/Neighborhood Street. The Major Street Plan classifies South 45 th Street as a Local/Neighborhood Street.
Required Parking:	Section 27-469(e) requires enough paved off-street parking at a ratio necessary to serve the employees, visitors, customers and others who may be on the premises. The ratio will vary among occupants and will be determined by the Director of Planning after receipt of a summary of parking needs and

characteristics prepared by the owner or initial occupant. In no case, however, shall less than one (1) space for each 500 square feet of building floor area be provided. For buildings larger than 20,000 square feet, only one (1) space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. For buildings larger than 50,000 square feet, the parking required for increments over 50,000 square feet will be determined by the director of planning. Where questions arise concerning increments over 50,000 square feet, the Unified Government Board of Commissioners shall make the final determination upon recommendation of the planning commission. Commercial uses shall provide parking as would be required in the C-3 district. The parking plan shows 43 parking spaces, three (3) of which are ADA-compliant. This matches the required on-site parking requirement.

Advertisement:	<u>The Wyandotte Echo</u> – Not Required Letters to Property Owners – June 17, 2021, July 16, 2021 and August 20, 2021
Public Hearings:	August 9, 2021 and August 26, 2021
Public Support:	None to date
Public Opposition:	None to date

PROPOSAL

Detailed Outline of Requested Action: The applicant, Mike Sanders with Nampara Properties, LLC, is requesting a Preliminary and Final Plan Review for an office warehouse with the initial use being a laydown area.

City Ordinance Requirements: Article VI Sections 27-196 – 27-209, 27-212

Code Enforcement History: There are no outstanding Notices of Violation associated with either address of the subject property. There is no history of Code Enforcement at the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Turner Statistical Neighborhood and is not within a Neighborhood Group. The immediate neighborhood is a business park

with heavy commercial and light industrial uses. The area is defined by its large scale—large commercial buildings and warehouses with large parking lots that can hold a fleet of semi-trailers. East of Interstate-635 is the Argentine neighborhood, which is a mix of single- and multi-family residential, and a scattering of commercial nodes. To the west of the business park area are current and developing single-family neighborhoods.

2. *The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.*

The applicant was required to commission a traffic impact study, which they have provided to staff. According to the submitted traffic impact study, the additional traffic should have minimal impact upon the streets identified above for traffic access to the proposed site (see *Traffic Impact Study Submitted by the Applicant, Dated May 28, 2021* in the “Attachments” section of this report). Per the applicant’s submitted traffic impact study, the proposed use would not increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.

3. *The degree of conformance of the proposed use to the Master Plan.*

The City-Wide Master Plan identifies the subject property as the Business Park land use designation. Business Park allows several uses, including the warehousing and distribution of non-hazardous material, business/research parks, related commercial and service uses (e.g., wholesale and outlet stores, office supply stores, service stations, convenience stores, hotels, restaurants, etc.), and medical facilities. Business Park discourages heavy industrial uses and single-family residences. The proposed use in the Final Plan Review shows a large warehouse on the site, which conforms with the allowed uses within the Business Park land use designation.

4. *The extent to which utilities and public services are available and adequate to serve the proposed use.*

a. *Water service*

It is unclear if there is water service to this site.

b. *Sanitary sewer service*

There is sanitary sewer service serving the property along South 45th Street.

c. *Storm water control*

There is a storm water line serving the property along South 45th Street.

d. Police

Police service is provided by South Division, District #334.

e. Fire

Fire service is provided by Fire Station #17, which is 1.9 miles from the subject property. Fire Stations #7 and #16 are also about 1.9 miles from the subject property.

f. Transit

There is no bus stop and/or public transit route within a reasonable distance from the subject property. The closest bus stop is 0.6 miles away at the 40th Street and Lawrence Ave bus stop of the Argentine (104) route. The walking route, however, between the bus stop and the subject property is unsafe and difficult for a pedestrian to walk, given the lack of sidewalks or even road shoulders along stretches of South 40th Street and Douglas Avenue.

g. Schools

Public education is provided by Silver City Elementary School, Argentine Middle School, and Harmon High School, under Kansas City USD 500.

5. The capability of the proposed use to meet applicable ordinance and other requirements.

The subject property is suitable for an office/warehouse building. With revisions, the proposed use is capable of meeting applicable ordinance and other requirements. Such revisions are noted in the "Staff Comments and Suggestions" section of this report.

PREVIOUS ACTIONS

N/A

NEIGHBORHOOD MEETING

The applicant received calls and e-mails through June 30, 2021. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant (see the "Attachments" section of this report).

KEY ISSUES

Commercial Development Guidelines Overlay District

Lighting

Noise

Proximity to Residential Uses

Screening and Buffering

Traffic

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Plan Review **PR2021-019**, subject to:

- 1) The proposed office and warehouse building will require its own Final Development Plan;
- 2) Per Section 27-469(c)(2), no equipment, material or vehicles, other than operable motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six feet from the street line and not less than three feet in height;
- 3) Per Section 27-469(c)(3), all accessory materials and products that have been previously used, such as lumber, steel and other metals and concrete products shall be totally screened from view from off the premises. Yards for junk, inoperable vehicles, or salvage storage are not permitted in this district;
- 4) When in the course of proposed or future development it becomes necessary to maintain the slope against the south property line, a new or reinforced retaining wall will need to be constructed. If a retaining wall is necessary for the laydown area, retaining wall calculations are required to be submitted as part of this application. If the wall will be built with the building, calculations must be submitted as part of the Final Development Plan. The existing rock/shale cliff should be preserved and enhanced with landscaping to maintain separation;
- 5) Noise level will not exceed 80 decibels at repeated intervals for a sustained length of time at any point on the property line or noise which causes the day-night level average to exceed 65 decibels for any residence for a sustained period;
- 6) The laydown area may be asphalt millings, however the drive aisles to get to the storage pads must be paved with concrete or asphalt. The entire parcel, not including ground cover and storm water detention cannot be wholly covered with asphalt millings. The applicable paving requirements within the Zoning Code are regulated by Section 27-675. If the applicant will not or cannot comply with an allowed or alternative paving scheme as provided by the Unified Government, then the applicant must request a variance from Section 27-675;

- 7) Applicant is responsible for ensuring that all contractors are issued all necessary permits from the Unified Government departments, including right-of-way and electrical permits;
- 8) If approved, the applicant will need to file and maintain a current business occupation tax application with this office;
- 9) The laydown area may be asphalt millings, however the drive aisles to get to the storage pads must be paved with concrete or asphalt. The entire parcel, not including ground cover and storm water detention cannot be wholly covered with asphalt millings. Per Section 27-675(a): "All parking, loading and maneuvering areas except those serving single-family dwellings or agricultural uses shall be graded and surfaced with a permanent bituminous or concrete pavement. The minimum such surface shall be two (2) inches of asphalt over six (6) inches of compacted gravel. The Unified Government Engineer shall determine acceptable alternatives. All parking spaces shall be clearly marked. All improvements shall be designed and constructed as necessary to prevent dust, erosion, excessive water flow across streets or adjoining property, and to control traffic. A less but dust-free standard of improvement may be permitted by the Unified Government Engineer for industrial storage yards used exclusively for inoperable vehicles, parts, building materials, supplies and equipment of heavy construction equipment and not for parking, loading or maneuvering." The accepted and approved alternative by the Planning and Urban Design and Public Works Departments is asphalt millings for storage laydown pads for the explicit placement of equipment and materials, whereas the drive aisles that lead to these pads shall be paved with either concrete or asphalt. This standard precedes the current Director of Planning and Urban Design and Public Works County Engineer dating back to the late 2000s;
- 10) Per Section 27-676(a), a parking lot with 26 to 50, the total parking spaces require at least two (2) ADA-compliant parking spaces. The current parking plan shows 43 total parking spaces, three (3) of which are ADA-compliant. Parking must comply with this plan;
- 11) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
- 12) The Final Plan Review must include a revised parking plan that demonstrates pedestrian access, including sidewalks and walkways across the parking lot, and sidewalks along Douglas Avenue and South 45th Street for future connectivity. The applicant must state how they have or will comply with the following Circulation sections of the Commercial Development Guidelines Overlay District, as found in the *Staff Comments and Suggestions* section of this report: Sections 27-575(d)(4), (7)c, (8), (9), (10), and (12);
- 13) The applicant must state how they have or will comply with the following Parking sections of the Commercial Development Guidelines Overlay District, as found in the *Staff Comments and Suggestions* section of this report: Sections 27-575(e)(1), (2), (4), (5), (6), and (8);
- 14) If the applicant may submit revised building elevations as part of a future Preliminary and Final Plan Review. Any submitted building elevations must with the following Building Elements sections of the Commercial

- Development Guidelines Overlay District, as found in the *Staff Comments and Suggestions* section of this report: Sections 27-575(f)(1) and (5), and Section 27-576(h)(2);
- 15) Per Section 27-575(g)(3), all trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
 - 16) The landscape plan must comply with the following requirements, as found in the *Staff Comments and Suggestions* section of this report: Section 27-466(g), and Sections 27-577(a)(5), (b)(2), (b)(3), (c), (d)(1), and (e);
 - 17) As part of the DRC submittal for building permit for the laydown yard, a revised plan should demonstrate additional shrubbery along the east (front) boundary line, in line with or just to the west of the proposed trees, in order to soften the visible impact of the proposed building and the parking lot;
 - 18) Sec. 27-700(b)(3) *Districts M-1, M-2, and M-3*. A buffer area shall be provided alongside and rear property lines common to or across an alley from residentially zoned property and shall consist of an area 15 feet in width improved with a six (6) foot architectural screen adjacent to the property line and one row of shade trees spaced not more than 40 feet on center and one row of large shrubs spaced not more than eight (8) feet on center;
 - 19) Per Section 27-575(c), the following standards must be met during the redevelopment of the property:
 - a. Where possible, new development should maintain the natural topography of the existing site. Extensive grading (more than 70 percent of the site) or unusual site improvements are strongly discouraged; and,
 - b. Site drainage patterns shall be designed to prevent surface drainage from collecting on and/or flowing across pedestrian areas;
 - 20) The applicant must undertake the following steps to mitigate the effects of site development and construction:
 - a. Rumble strips and/or other mitigation measures must be installed at all entry/exit points from the subject properties to the public right-of-way in order to keep dirt and gravel from tracking onto the road; and,
 - b. Dust produced by the earth moving must be kept down and prevented from leaving the airspace of the subject property through the deployment of misters and/or other dust mitigation devices and techniques;
 - 21) Retain and preserve the existing rock/slate cliff to the west;
 - 22) A building permit is required. Please contact the Building Inspection Division at (913) 573-8620 to begin that process;
 - 23) Per Section 27-700(b)(9), any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of

- lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one (1) foot-candle as measured from said property line;
- 24) All lighting, whether mounted on the building (future) or in the parking lot shall have 90-degree cutoff fixtures;
 - 25) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process; and,
 - 26) Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sec. 8-610 through Sec. 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.

STAFF RECOMMENDATIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of **PR2021-019**, subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

August 9, 2021 City Planning Commission Minutes
Land Use Map
Aerial Map
Zoning Map
Photos of the Property Provided by Staff, Dated June 20, 2021
Preliminary Development Site Plan
Building Elevations
Preliminary Development Grading Plan
Final Development Site Plan
Preliminary Plan Erosion Control
Preliminary Landscape Plan
Preliminary and Final Lighting Plan
BMP Treatment Map
Traffic Impact Study Submitted by the Applicant, Dated May 28, 2021
Stormwater Drainage & Water Quality Study Submitted by the Applicant, Dated June 28, 2021
Commercial Development Guidelines Overlay District Regulations
Wyandotte County Conservation District Letter, Dated June 15, 2021
Neighborhood Meeting Materials, Dated June 30, 2021

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing		
Preliminary and	August 9, 2021	August 26, 2021
Final Plan Review	Approval	

STAFF CONTACT: **Michael Farley**
 mfarley@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2021-019** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **PR2021-019**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

August 9, 2021 City Planning Commission Minutes:

Hearing starts at 3:49:20:

PR2021-019 – MIKE SANDERS - SYNOPSIS: Preliminary and Final Plan Review for an office warehouse with the initial use being the laydown area at 4501 Douglas Avenue.

Detailed Outline of Requested Action: The applicant, Mike Sanders with Nampara Properties, LLC, is requesting a Preliminary and Final Plan Review for an office warehouse with the initial use being a laydown area.

City Ordinance Requirements: Article VI Sections 27-196 – 27-209, 27-212

Code Enforcement History: There are no outstanding Notices of Violation associated with either address of the subject property. There is no history of Code Enforcement at the subject property.

PR2021-020 – MIKE SANDERS - SYNOPSIS: Preliminary and Final Plan Review for an office warehouse with the initial use being the laydown area at 4605 Shearer Road.

Detailed Outline of Requested Action: The applicant, Mike Sanders with Nampara Properties, LLC filed a Preliminary Development Plan to build a 30,000 square foot office and industrial warehouse with the initial use of the property being a laydown area for materials and supplies on 4.79 acres at 4605 Shearer Road.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765

Zoning Enforcement Action: None to date.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated August 9, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and,
6. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative).

Present in Support:

- Mike Sanders, applicant, Nampara Properties, LLC, 3155 Fiberglass Road, Kansas City, KS 66115

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:55:08: Planning Director Hand stated that at 4501 Douglas, one parcel is zoned R-1 in this area and the surrounding properties are zoned M-2. The applicant discussed using asphalt millings for the drive aisles and that does not comply with the ordinance. Staff requires drive aisles to be paved in compliance with the code. (Mr. Wu stated that they will do whatever is required. Chairman Carson asked him to further discuss his questions about the conditions with Staff outside the meeting. Director Hand stated that staff had requested a landscaping buffer and fence along the property bordering R-1 zoned parcels to the north and west. The second application for 4605 Shearer Road has a significant elevation change and staff asked for the retaining wall, if one is eventually being built for the final office warehouse, and other public improvements and street trees on Shearer Road be required to be built for the temporary lay down yard. Staff recommends approval of these applications subject to the conditions in the staff report.

Motion and Vote starts at 3:59:16:

On motion by Mr. Ernst, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Preliminary and Final Plan Review**

PR2021-019:

Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	Not Present
Ernst	Aye
Hill	Aye
Huey	Not Present
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye

Motion to RECOMMEND APPROVAL Passed: 6 to 0

Subject to:

- 1) The proposed office and warehouse building will require its own Final Development Plan;
- 2) Per Section 27-469(c)(2), no equipment, material or vehicles, other than operable motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six feet from the street line and not less than three feet in height;

- 3) Per Section 27-469(c)(3), all accessory materials and products that have been previously used, such as lumber, steel and other metals and concrete products shall be totally screened from view from off the premises. Yards for junk, inoperable vehicles, or salvage storage are not permitted in this district;
- 4) When in the course of proposed or future development it becomes necessary to maintain the slope against the south property line, a new or reinforced retaining wall will need to be constructed. If a retaining wall is necessary for the laydown area, retaining wall calculations are required to be submitted as part of this application. If the wall will be built with the building, calculations must be submitted as part of the Final Development Plan. The existing rock/shale cliff should be preserved and enhanced with landscaping to maintain separation;
- 5) Noise level will not exceed 80 decibels at repeated intervals for a sustained length of time at any point on the property line or noise which causes the day-night level average to exceed 65 decibels for any residence for a sustained period;
- 6) The laydown area may be asphalt millings, however the drive aisles to get to the storage pads must be paved with concrete or asphalt. The entire parcel, not including ground cover and storm water detention cannot be wholly covered with asphalt millings. The applicable paving requirements within the Zoning Code are regulated by Section 27-675. If the applicant will not or cannot comply with an allowed or alternative paving scheme as provided by the Unified Government, then the applicant must request a variance from Section 27-675;
- 7) Applicant is responsible for ensuring that all contractors are issued all necessary permits from the Unified Government departments, including right-of-way and electrical permits;
- 8) If approved, the applicant will need to file and maintain a current business occupation tax application with this office;
- 9) The laydown area may be asphalt millings, however the drive aisles to get to the storage pads must be paved with concrete or asphalt. The entire parcel, not including ground cover and storm water detention cannot be wholly covered with asphalt millings. Per Section 27-675(a): "All parking, loading and maneuvering areas except those serving single-family dwellings or agricultural uses shall be graded and surfaced with a permanent bituminous or concrete pavement. The minimum such surface shall be two (2) inches of asphalt over six (6) inches of compacted gravel. The Unified Government Engineer shall determine acceptable alternatives. All parking spaces shall be clearly marked. All improvements shall be designed and constructed as necessary to prevent dust, erosion, excessive water flow across streets or adjoining property, and to control traffic. A less but dust-free standard of improvement may be permitted by the Unified Government Engineer for industrial storage yards used exclusively for inoperable vehicles, parts, building materials, supplies and equipment of heavy construction equipment and not for parking, loading or maneuvering." The accepted and approved alternative by the Planning and Urban Design and Public Works Departments is asphalt millings for storage laydown pads for the explicit placement of equipment and

- materials, whereas the drive aisles that lead to these pads shall be paved with either concrete or asphalt. This standard precedes the current Director of Planning and Urban Design and Public Works County Engineer dating back to the late 2000s;
- 10) Per Section 27-676(a), a parking lot with 26 to 50, the total parking spaces require at least two (2) ADA-compliant parking spaces. The current parking plan shows 43 total parking spaces, three (3) of which are ADA-compliant. Parking must comply with this plan;
 - 11) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
 - 12) The Final Plan Review must include a revised parking plan that demonstrates pedestrian access, including sidewalks and walkways across the parking lot, and sidewalks along Douglas Avenue and South 45th Street for future connectivity. The applicant must state how they have or will comply with the following Circulation sections of the Commercial Development Guidelines Overlay District, as found in the *Staff Comments and Suggestions* section of this report: Sections 27-575(d)(4), (7)c, (8), (9), (10), and (12);
 - 13) The applicant must state how they have or will comply with the following Parking sections of the Commercial Development Guidelines Overlay District, as found in the *Staff Comments and Suggestions* section of this report: Sections 27-575(e)(1), (2), (4), (5), (6), and (8);
 - 14) If the applicant may submit revised building elevations as part of a future Preliminary and Final Plan Review. Any submitted building elevations must with the following Building Elements sections of the Commercial Development Guidelines Overlay District, as found in the *Staff Comments and Suggestions* section of this report: Sections 27-575(f)(1) and (5), and Section 27-576(h)(2);
 - 15) Per Section 27-575(g)(3), all trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
 - 16) The landscape plan must comply with the following requirements, as found in the *Staff Comments and Suggestions* section of this report: Section 27-466(g), and Sections 27-577(a)(5), (b)(2), (b)(3), (c), (d)(1), and (e);
 - 17) As part of the DRC submittal for building permit for the laydown yard, a revised plan should demonstrate additional shrubbery along the east (front) boundary line, in line with or just to the west of the proposed trees, in order to soften the visible impact of the proposed building and the parking lot;
 - 18) Sec. 27-700(b)(3) *Districts M-1, M-2, and M-3*. A buffer area shall be provided alongside and rear property lines common to or across an alley from residentially zoned property and shall consist of an area 15 feet in width improved with a six (6) foot architectural screen adjacent to the property line and one row of shade trees spaced not more than 40 feet on center and one row of large shrubs spaced not more than eight (8) feet on center;

- 19) Per Section 27-575(c), the following standards must be met during the redevelopment of the property:
- a. Where possible, new development should maintain the natural topography of the existing site. Extensive grading (more than 70 percent of the site) or unusual site improvements are strongly discouraged; and,
 - b. Site drainage patterns shall be designed to prevent surface drainage from collecting on and/or flowing across pedestrian areas;
- 20) The applicant must undertake the following steps to mitigate the effects of site development and construction:
- a. Rumble strips and/or other mitigation measures must be installed at all entry/exit points from the subject properties to the public right-of-way in order to keep dirt and gravel from tracking onto the road; and,
 - b. Dust produced by the earth moving must be kept down and prevented from leaving the airspace of the subject property through the deployment of misters and/or other dust mitigation devices and techniques;
- 21) Retain and preserve the existing rock/slate cliff to the west;
- 22) A building permit is required. Please contact the Building Inspection Division at (913) 573-8620 to begin that process;
- 23) Per Section 27-700(b)(9), any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one (1) foot-candle as measured from said property line;
- 24) All lighting, whether mounted on the building (future) or in the parking lot shall have 90-degree cutoff fixtures;
- 25) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process; and,
- 26) Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sec. 8-610 through Sec. 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.

On motion by Ms. Armstrong, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Preliminary and Final Plan Review**

PR2021-020:

Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	Not Present
Ernst	Aye
Hill	Aye
Huey	Not Present
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye

Motion to RECOMMEND APPROVAL Passed: 6 to 0

Subject to:

1. The 30,000 square foot office and warehouse building will require its own Final Development Plan;
2. The exterior portion of the building where the office is located shall comply with the Commercial Design Guidelines;
3. Sec. 27-211(j) In the event that a plan or section thereof is given final approval and thereafter the landowner shall abandon said plan or a section thereof and shall so notify the Unified Government in writing, or in the event the landowner shall fail to commence, as evidenced by receipt of building permits and start of construction, the planned development within eighteen (18) months after final approval has been granted or in the case of subsequent phases each shall be initiated within twenty-four (24) months of issuance of a certificate of occupancy on the entire preceding phase or the plan will be considered abandoned, then in either event such a final approval shall terminate and shall be deemed null and void unless such time period is extended by the Planning Commission upon written application by the landowner. Wherever a final plan or section thereof has been abandoned as provided in this section, no development shall take place on the property until a new development plan has been approved;
4. Sec. 27-469(c)(2) No equipment, material or vehicles, other than operable motor passenger cars, may be kept, parked, stored or displayed closer than twenty-five (25) feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six feet from the street line and not less than three feet in height;
5. Sec. 27-469(c)(3) All accessory materials and products that have been previously used, such as lumber, steel and other metals and concrete products shall be totally screened from view from off the premises. Yards for junk, inoperable vehicles, or salvage storage are not permitted in this district;
6. The existing slope and vegetation on the western and south property lines shall be preserved and enhanced as the residences will be in plain view of the laydown yard and future building site. This tree line effectively screens

the laydown area and future building site from the single-family homes to the west. The applicant has stated that the existing slope and trees along the south and west lines have been left in place above the proposed retaining walls;

7. Sec. 27-700(b)(3) A buffer area shall be provided alongside and rear property lines common to or across an alley from residentially zoned property and shall consist of an area fifteen (15) feet in width improved with a six (6) foot architectural screen (wood or metal privacy fence with masonry columns every 32 feet running) adjacent to the property line and one (1) row of shade trees not spaces more than forty (40) feet on center and one row of large shrubs spaced not more than eight feet on center. The landscaping on the south and west property line shall be enhanced to meet this code.

In order to ensure that the residences are protected from having to look down on the storage yard and industrial building (future), the privacy fence with masonry columns every thirty-two (32) feet running shall be installed between the retaining wall and the existing vegetation (abutting the property lines) on the south and west slopes;

8. Significant landscaping shall be installed behind the residences on the western property line that currently have overgrown vegetation against the fence line;
9. Street trees along Shearer Road shall be installed during construction of the laydown storage area;
10. Sec. 27-469(c)(1)d. No use shall be permitted or so operated as to produce or emit: Noise greater than 80 decibels at repeated intervals for a sustained length of time at any point on the property line or noise which causes the day-night level average to exceed 65 decibels for any residence for a sustained period;
11. All lighting, whether mounted on the building or installed in the parking lot shall be hooded or controlled to direct light 90-degrees downward. No light may cast light or glare off the property or onto the public street. In addition to vertical glare, lighting may not cast horizontally on adjacent properties; and,
12. The laydown area may be asphalt millings, however the drive aisles to get to the storage pads must be paved with concrete or asphalt. The entire parcel, not including ground cover and storm water detention cannot be wholly covered with asphalt millings.

Sec. 27-675(a) All parking, loading and maneuvering areas except those serving single-family dwellings or agricultural uses shall be graded and surfaced with a permanent bituminous or concrete pavement. The minimum such surface shall be two (2) inches of asphalt over six (6) inches of compacted gravel. The Unified Government Engineer shall determine acceptable alternatives. All parking spaces shall be clearly marked. All improvements shall be designed and constructed as necessary to prevent dust, erosion, excessive water flow across streets or adjoining property, and to control traffic. A less but dust-free standard of improvement may be permitted by the Unified Government Engineer for industrial storage yards used exclusively for inoperable vehicles, parts, building materials, supplies

and equipment of heavy construction equipment and not for parking, loading or maneuvering.

The accepted and approved alternative by the Planning and Urban Design and Public Works Departments is asphalt millings for storage laydown pads for the explicit placement of equipment and materials, whereas the drive aisles that lead to these pads shall be paved with either concrete or asphalt. This standard precedes the current Director of Planning and Urban Design and Public Works County Engineer dating back to the late 2000s.

LAND USE MAP



AERIAL MAP



ZONING MAP



PHOTOS OF PROPERTY PROVIDED BY STAFF, DATED JUNE 20, 2021



Maintain and enhance
with landscaping.

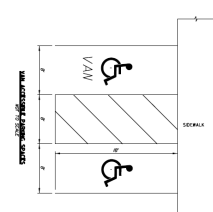
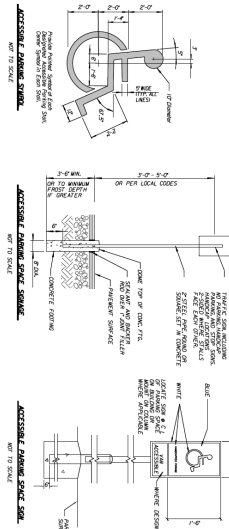
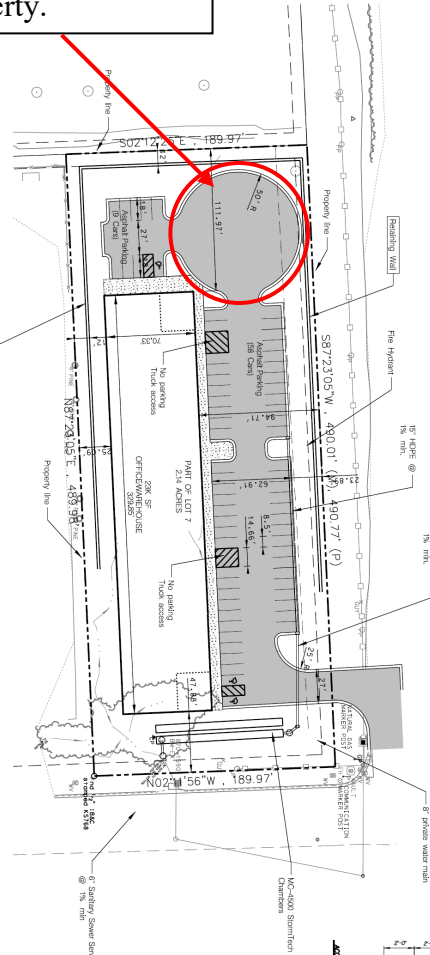


Preserve and add trees
to buffer to the south.

PRELIMINARY DEVELOPMENT SITE PLAN

PRELIMINARY DEVELOPMENT PLAN PRECISION PART OF LOT 7, MELROSE BUSINESS PARK PHASE II

What is this maneuvering area for?
There does not appear to be semi-truck docks at the building or parking on the property.



Stomtech
Sustainable Stormwater Management™

Stomtech™
MC-4000 Chamber

Stomtech's MC-4000 Chamber is a high-strength, durable, and long-lasting solution for stormwater management. It is designed to handle high flow rates and is resistant to corrosion and crushing. The chamber is made of high-density polyethylene (HDPE) and is available in various sizes to meet different project requirements.

Stomtech™
MC-4000 Chamber

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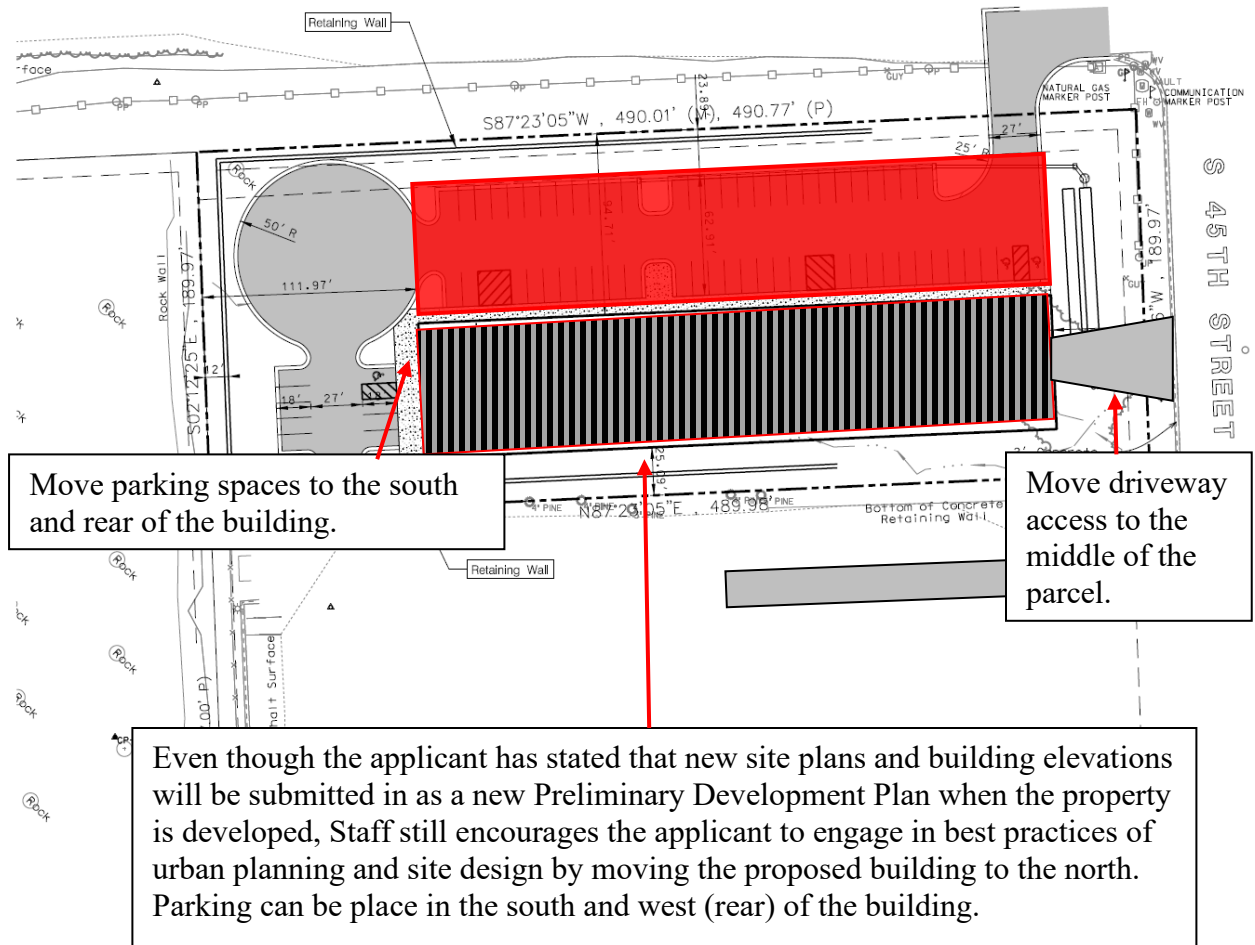
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MC-4000 Chamber

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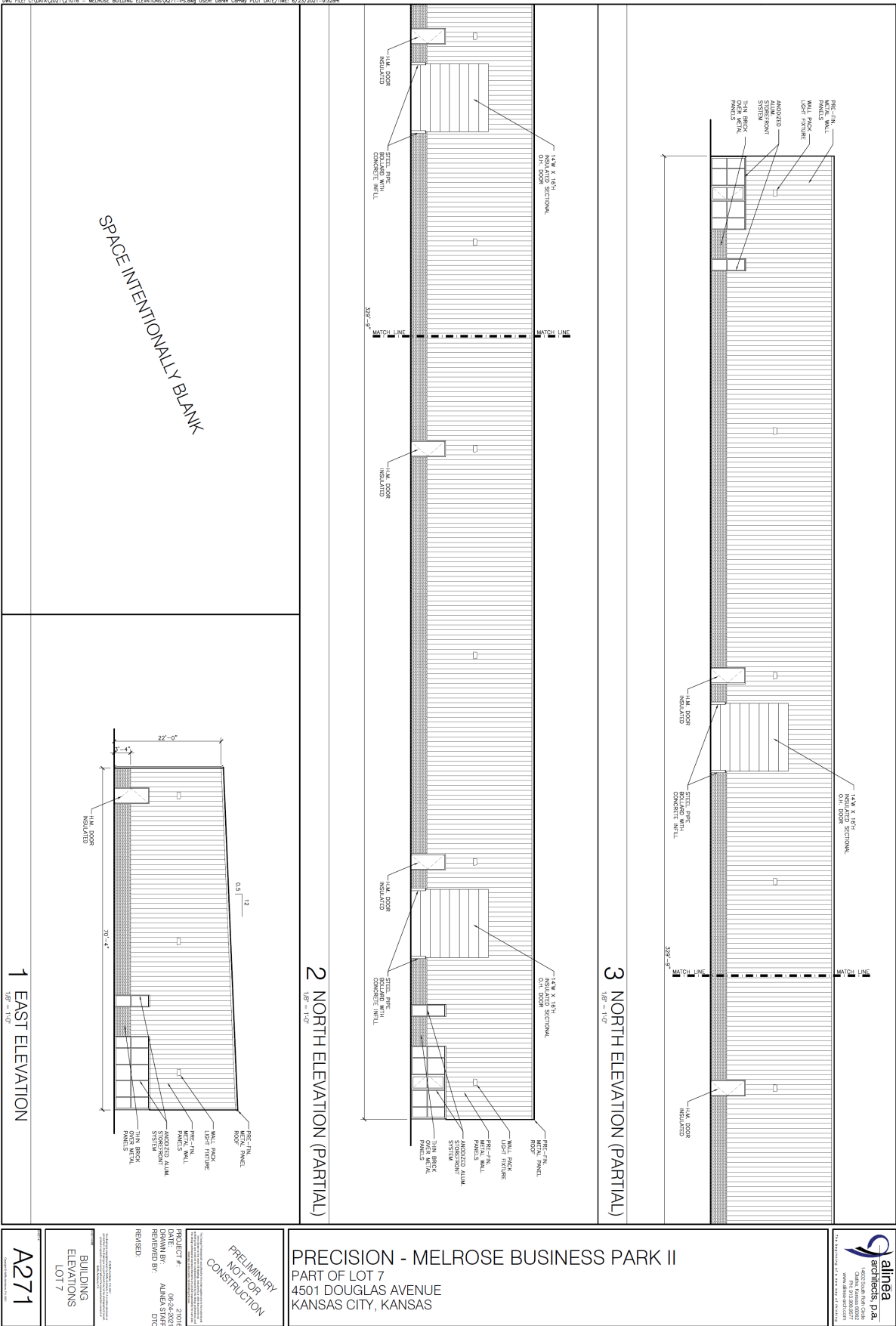
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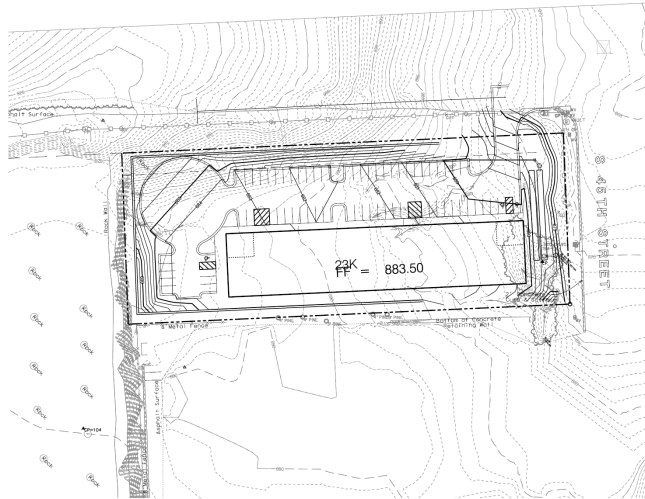
PRELIMINARY DEVELOPMENT SITE PLAN, CONT.



BUILDING ELEVATIONS



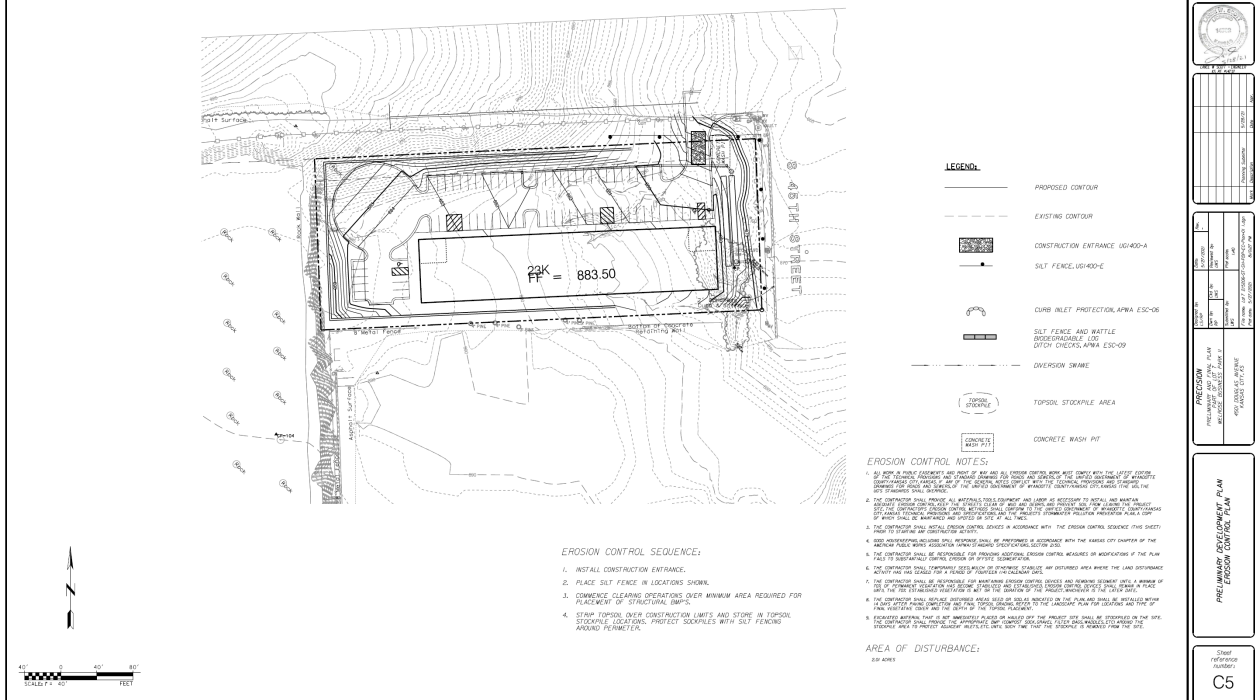
PRELIMINARY DEVELOPMENT PLAN
PRECISION
PART OF LOT 7, MELROSE BUSINESS PARK PHASE II



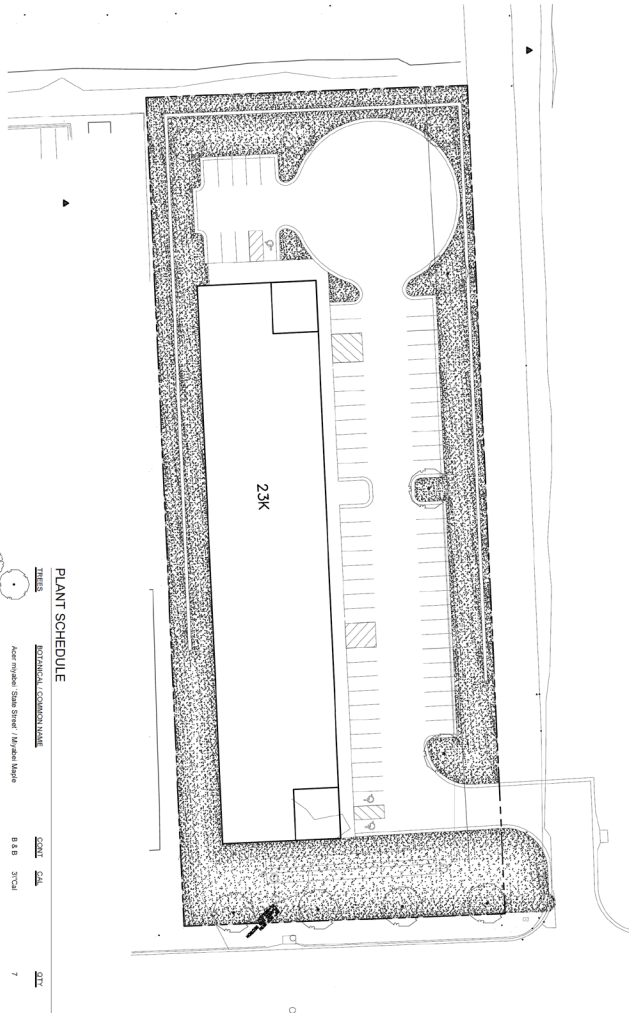
THE CONTRACTOR SHALL PROVIDE EROSION CONTROL IN ACCORDANCE WITH THE APPROVED LAND DISTURBANCE PERMIT ISSUED BY THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY, KANSAS.

Page 33

PRELIMINARY DEVELOPMENT PLAN
PRECISION
PART OF LOT 7, MELROSE BUSINESS PARK PHASE II



PRELIMINARY DEVELOPMENT PLAN
PRECISION
PART OF LOT 7, MELROSE BUSINESS PARK PHASE II



PLANT SCHEDULE				
ITEMS	PLANTING / COMMON NAME	SCOUT	CALL	QTY
	Acacia nigrescens / Black Acacia	B 8 B	3'CH	7
	Acacia robusta / Robust Acacia	B 8 B	2'CH	3
	Acacia robusta / Robust Acacia	SCOUT	FIELD	
	Acacia robusta / Robust Acacia	PLANTING		QTY
	Acacia robusta / Robust Acacia	SCOUT	FIELD	
	Acacia robusta / Robust Acacia	PLANTING		QTY
	Acacia robusta / Robust Acacia	SCOUT	FIELD	
	Acacia robusta / Robust Acacia	PLANTING		QTY
	Acacia robusta / Robust Acacia	SCOUT	FIELD	
	Acacia robusta / Robust Acacia	PLANTING		QTY
	Acacia robusta / Robust Acacia	SCOUT	FIELD	
	Acacia robusta / Robust Acacia	PLANTING		QTY

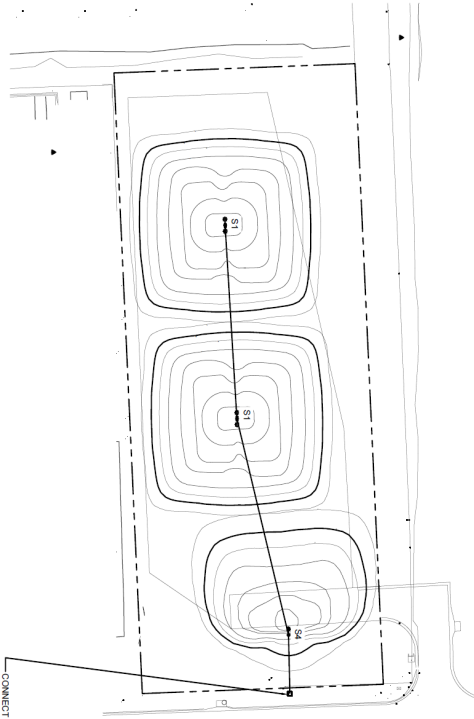
1 LANDSCAPE PLAN
SCALE: 1" = 30'-0"

The landscape plan shows a horizontal path. The left portion of the path is marked with a 30' dimension line. The right portion is marked with a 60' dimension line. The total width of the path is 90 feet. The path is flanked by a checkered pattern on the left and a solid black area on the right.

1. ALL WORK SHALL BE COORDINATED WITH THE WORK OF OTHER TRADES.
2. THE CONTRACTOR SHALL LOCATE AND PREPARE ALL EXISTING AND NEW UTILITY LOCATIONS PRIOR TO PLANTING, AND SHALL MAINTAIN ACCESS TO ALL UTILITIES OR OTHER SITE REPRESENTATIVE. ANY CHANGE TO UTILITIES OR OTHER SITE REPRESENTATIVE CAUSED BY THE CONTRACTOR WILL BE THE RESPONSIBILITY OF THE CONTRACTOR. THERE WILL BE NO ELECTRICAL DRAWINGS FOR PROPOSED UTILITY LOCATIONS AND EXTERIOR LIGHTING LOCATIONS.
3. THE CONTRACTOR SHALL OPERATE ROOT BALLS IN Airtight POTS OR CONTAINERS. THE CONTRACTOR SHALL REMOVE ALL BRICKS OR DURING PLANTING OPERATIONS. PLANTS WITH BRICKS OR DRAINAGE TUBES SHALL BE REMOVED FROM THE SITE. KEEP ROOT BALLS DAMP AND PROTECTED FROM DAMAGE DUE TO WIND AND SUN. DO NOT REMOVE ROOT BALLS UNTIL THEY ARE READY TO BE PLANTED. DO NOT REMOVE FROM THE ENTIRE 12" AND 20" SIDES OF ROOT BALLS PRIOR TO INSTALLATION.
4. THE OWNER RESERVES THE RIGHT TO SUBSTITUTE PLANT MATERIAL. THE CONTRACTOR SHALL OBTAIN WRITTEN APPROVAL OF THE OWNER.
5. THE OWNER'S REPRESENTATIVE MAY REQUEST THE RIGHT TO SELECT ANY PLANT MATERIAL, NOT CONFORMING TO THE SPECIFICATIONS.
6. ALL PLANT MATERIAL MUST CONFORM TO THE AMERICAN STANDARDS FOR NURSERY STOCK (A.S.N.) LATEST EDITION. PLANTS MUST BE HEALTHY, FREE OF DISEASE AND DEFOLIATION. THE CONTRACTOR SHALL PROVIDE ALL NECESSARY UTILITY REQUIREMENTS FOR THE PLANT MATERIAL.
7. LARGE SIZED PLANT MATERIALS OF THE A.S.N. LISTED ABOVE USED AS THE STOCK CONFORMS TO THE A.S.N. SPECIES TYPES AND VARIETALS. THE CONTRACTOR SHALL PROVIDE ALL NECESSARY UTILITY REQUIREMENTS FOR THE PLANT MATERIAL.
8. ANY PLANT MATERIAL WHICH IS REPLACED PRIOR TO ACCEPTANCE OF THE WORK, WILL BE PROBABLY REMOVED AND REPLACED AT THE RISK OF THE CONTRACTOR.
9. ALL PLANT MATERIAL SHALL BE GUARANTEED TO BE IN LIVE AND HEALTHY CONDITION FOR ONE YEAR AFTER PLANT. PRODUCT SHALL BE REPLACED PRIOR TO CHARGE WITH SAME OR BETTER SPECIES.
10. THE LOCATION OF PLANT MATERIAL IS CRITICAL AND SHALL BE INSTALLED AS INDICATED ON THE DRAWINGS. STAKE OR MARK LOCATION OF ALL PLANT MATERIAL AND BOUNDARY LOCATIONS SHALL BE REPRESENTED PRIOR TO INSTALLATION OF ALL MATERIAL.
11. THE LANDSCAPE CONTRACTOR SHALL REMOVE ALL GROWTH FROM PLANTING PIT'S AND BEDS PRIOR TO BACKFILLING WITH PLANTING MIX.
12. THE LANDSCAPE CONTRACTOR SHALL TEST PROPOSED PLANTING MIX. THE TESTING SHALL BE BASED ON THE RESULTS OF SOIL, TEXTURE AND STRUCTURE. BASED ON THE RESULTS OF THIS TESTING, THE LANDSCAPE CONTRACTOR SHALL PROVIDE FERTILIZER, SAND, COMPOST ETC., AS NECESSARY TO DEVELOP A PLANT GROWTH METHOD OF ADEQUATE RIGIDITY. STRUCTURAL MATERIALS PLANTS NOT ACCEPTABLE.
13. THE LANDSCAPE CONTRACTOR SHALL REMOVE FROM THE SITE ALL ROCK GREATER THAN 1/4" INCH AND ALL DEBRIS IN THE AREAS OF PROPOSED-NEW PLANTINGS.
14. REMOVE AND DISPOSE OF ALL PLANT MATERIAL ON PROJECT AREA INCLUDING BUT NOT LIMITED TO TURF, SHRUBS AND GRASS AND OTHER.
15. CONTRACTOR WARRANT PERIOD: THE LANDSCAPE CONTRACTOR SHALL GUARANTEE THE QUALITY OF THE PLANTING HIS SCOPE OF WORK UNTIL ONE YEAR AFTER THE WORK HAS BEEN COMPLETED. THE CONTRACTOR SHALL MAINTAIN THE LANDSCAPE ARCHITECT AND OWNER. THIS WORK SHALL INCLUDE WEEDING, WATERING, PRUNING, TRIMMING, SPRAYING, WEEDING, AND FERTILIZING PLANTING AND TURF AREAS.
16. IT SHALL BE THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR TO PROVIDE THE OWNER WITH CORRECT IRRIGATION SYSTEMS. THE CONTRACTOR SHALL PROVIDE ALL PLANS IN HIS PLANTING OPTIMUM DENSITY AND VIBRANT.
17. OWNER WARRANTS: THE OWNER SHALL PROVIDE FOR THE MAINTENANCE OF PLANTINGS PER THE RECOMMENDATIONS PROVIDED BY THE CONTRACTOR COMMENCING WITH FINAL ACCEPTANCE OF THE WORK.
18. CONTRACTOR WARRANTY PERIOD: PER THE CITY OF SPANISH FLORIDA, THE CONTRACTOR SHALL GUARANTEE THE QUALITY OF THE PLANTING OF THIS PLAN FOR ONE (1) YEAR FROM DATE OF OCCUPANCY.

Sheet 1 of 10	Project number:	PRELIMINARY DEVELOPMENT PLAN LANDSCAPE PLAN	PRECISION PRELIMINARY PLAN PART OF LOT 7 MELORE BUSINESS PARK II Submitted by: 4501 DOUGLAS AVENUE KANSAS CITY, KS	Preparer by: JES Date: 5/27/2020 Reviewed by: LWS Reviewed date: LWS Plot scale: 1" = 40'-0" File name:			
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PRELIMINARY DEVELOPMENT PLAN
PRECISION
PART OF LOT 7, MELROSE BUSINESS PARK PHASE II



LIGHTING SCHEDULE

TYPE	MFRS	OUTPUT	VOLTS / MAX WATTAGE	QTY	DESCRIPTION
S1	EATON	18,500 LUMENS	240 V LED / 170 W	2	GLEONAF-03 LED E-1, 4M0, DOUBLE HEAD - TYPE V SPREAD, 2" POLE, 2" TALL X 2" DIA CONCRETE BASE, TIGC POLYESTER POWDER COAT PAINT SELECTED FROM MFRS STANDARD COLORS.
S4	EATON	17,650 LUMENS	240 V LED / 170 W	1	GLEONAF-03 LED E-1, S-L4, SINGLE HEAD - TYPE IV SPILL CONTROL, 20" POLE, 2" TALL X 2" DIA CONCRETE BASE, TIGC POLYESTER POWDER COAT PAINT SELECTED FROM MFRS STANDARD COLORS.
POLES				3	20" TALL, ROUND CAST ALUMINUM, COLOR TO MATCH LUMINAIRES MANUFACTURER. REQUIREMENTS OF THE

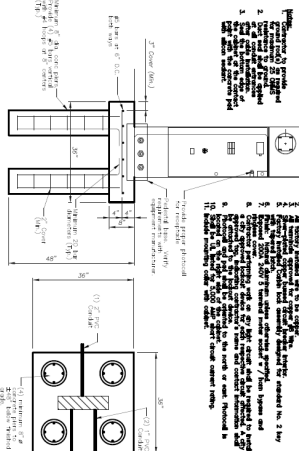
LIGHTING GENERAL NOTES

- A. ALL WORK SHALL BE COORDINATED WITH THE WORK OF OTHER TRADES.
- B. THE CONTRACTOR SHALL IDENTIFY THE LOCATIONS OF ALL POLES, AND THE LOCATION OF THE PROPOSED CONSTRUCTION (NUMBER 100521) DURING THE 200 AMP SERVICE.

ELECTRICAL NOTES

1. ROUTE POWER FROM ADJACENT POWER POLE TO ELECTRIC METER LOCATION. INSTALL ELECTRICAL POWER IN HOLE CONDUIT UNDER SIDEWALK, ROADWAY AND DRIVEWAYS. COORDINATE WITH DRIVER TO MATCH POWER SUPPLY.
2. THE ENTIRE CIRCUIT SHOULD BE IN 1/2" WIRE AND 1/16" O.D. GROUND WIRE. THE CONTRACTOR SHALL PROVIDE THE PROPER GROUNDING FOR THE ELECTRICAL POLE, CORRESPONDING LOCATION OF ALL ELECTRICAL CONDUIT WITH OWNERS REPRESENTATIVE.
3. THE CONTRACTOR SHALL IDENTIFY AND VERIFY ALL EXISTING ANTI-NUCLEARITY LOCATIONS PRIOR TO CONSTRUCTION AND SHALL PROVIDE ANY NECESSITY TO THE OWNERS REPRESENTATIVE. ANY DAMAGE TO UTILITIES OR OTHER SITE UTILITIES SHOULD BE REPAIRED. THE CONTRACTOR WILL BE RESPONSIBLE TO THE OWNER.
4. INSTALL POLES ON 2" TALL ABOVE GRADE CONCRETE FOOTINGS CONFORMING TO THE CITY OF CHICAGO SPECIFICATIONS.
5. ALL POLES SHALL BE PROTECTED BY 2" MIN. DIAMETER P.C. CONDUIT WITH LOCK-SHEEDED ENDS.
6. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING A FULLY FUNCTIONAL SYSTEM IN ACCORDANCE WITH ALL CITY OF CHICAGO SPECIFICATIONS.
7. ALL COORDINATION WITH ENERGY INCLUDING FEES, PERMITS, MATERIALS AND FIELD SHALL BE THE CONTRACTORS RESPONSIBILITY.
8. THE CONTRACTOR SHALL SUBMIT A WIRING AND CONDUIT PLAN, SIGNED AND SEALED BY A LICENSED ELECTRICAL ENGINEER, INDICATING THE TYPE AND LOCATION OF ALL PROPOSED WIRING, THE TYPE AND LOCATION TO THE ENGINEER AND OWNER FOR APPROVAL, PRIOR TO COMMENCING CONSTRUCTION OPERATIONS.

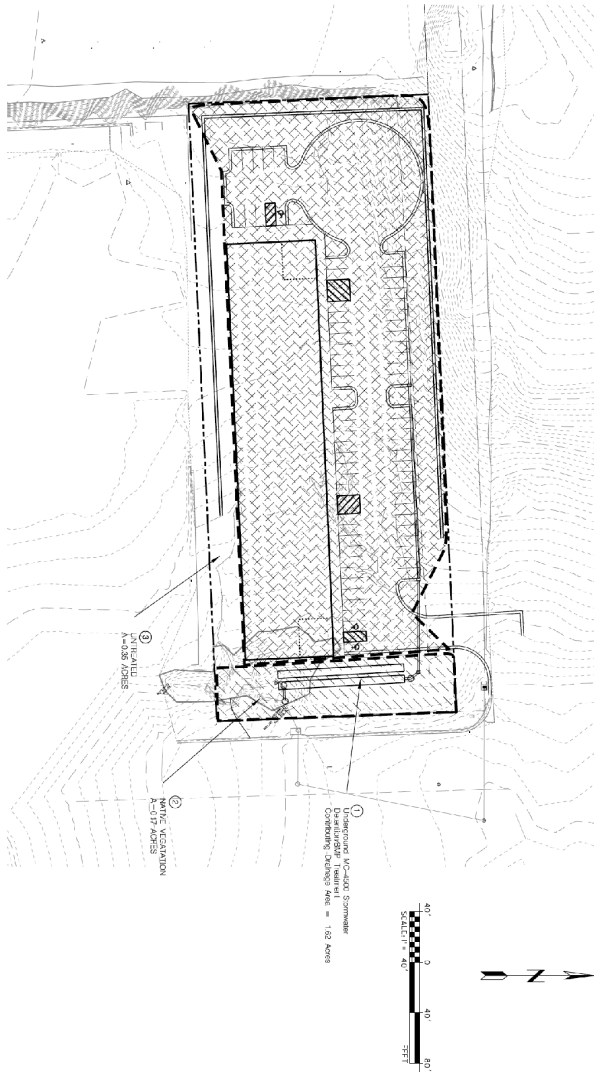
Rain-Proof Type JR Enclosure Detail



BMP TREATMENT MAP

PRELIMINARY DEVELOPMENT PLAN PRECISION LOT 7, MELROSE BUSINESS PARK PHASE II

SHEET 1



PROJECT INFORMATION	
Client: Melrose Business Park, LLC	Project: Melrose Business Park, LLC
Location: Melrose, MA	Sheet: 1 of 1
Project No: 2021-019	Scale: 1" = 40'
Design No: 2021-019	Drawn: J. Smith
Check: J. Smith	Approved: J. Smith
Date: 08/26/2021	Project: Melrose Business Park, LLC
BMP TREATMENT MAP	
1. UNIMPROVED 100-FOOT STRIP	
2. NATIVE VEGETATION	
3. EXISTING 100-FOOT STRIP	
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Sheet
Reference
7-BMP

BMP TREATMENT MAP

PRECISION
PRELIMINARY AND FINAL PLAN
PART OF LOT 7
MELROSE BUSINESS PARK II
400 LINDSEY AVENUE
MELROSE, MA 02176

DESIGNED BY	DATE
CHECKED BY	DATE
APPROVED BY	DATE
PROJECT NO.	DATE
PROJECT NAME	DATE

REVISION	DATE
REVISION	DATE
REVISION	DATE
REVISION	DATE
REVISION	DATE

ENGINE CERTIFICATE OF ACTIVITY NUMBER 2020

Lot 7, Melrose Business Park, Phase II
45th Street & Douglas Avenue
Kansas City, Kansas 66106
CFS Project No. 21-5206

7-Step Minimum Traffic Impact Study

May 28th, 2021

Prepared for:
LAMPARA Properties, LLC
3155 Fiberglass Road
Kansas City, Kansas 66115
(913) 681-9050

Prepared by:
Cook, Flatt & Strobel Engineers P.A.
1421 E 104th Street, Suite 100
Kansas City, Missouri 64131
(816) 333-4477



Introduction and Summary

Executive Summary:

LAMPARA Properties, LLC of Kansas City, Kansas, proposes to construct a new office warehouse facility on Lot 7 of the Melrose Business Park Phase II Business Park, located at the southwest corner of the 45th Street & Douglas Avenue in Kansas City, Kansas. The proposed Lot 7 site would be located north of the existing Progressive Insurance Company's Claims Center at the northwest corner of 45th Street & Shearer Road. The proposed development would have ready access to Kansas City's highway grid with Interstate I-635 located a quarter mile to the east. 45th Street intersects with Metropolitan Avenue/I-635 Interchange approximately half a mile north of the site.

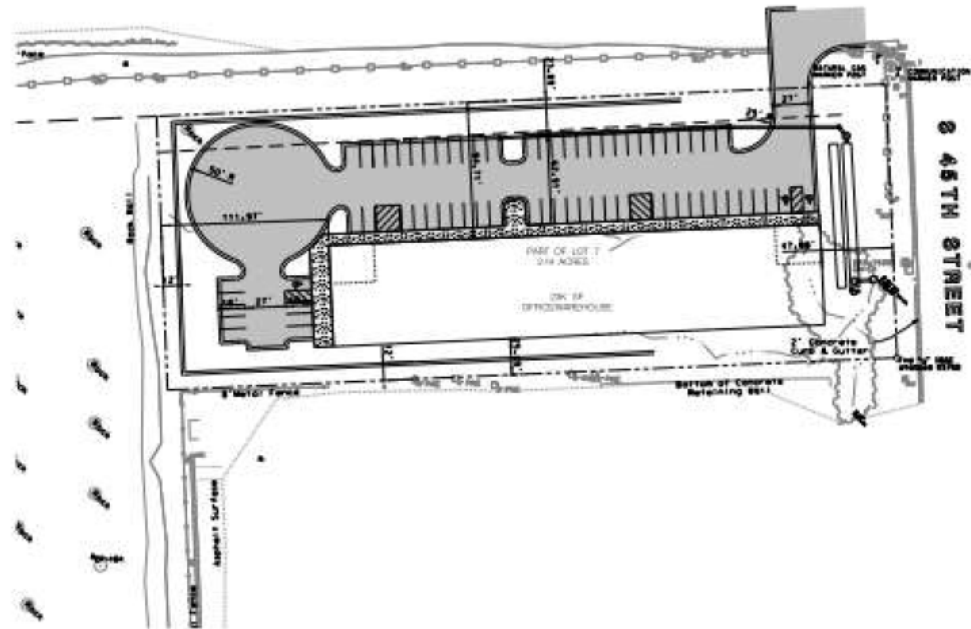


Melrose Business Park Vicinity Map

The proposed Lot 7 site at the Melrose Business Park, Phase-II would include a 23,000 sqft building for warehouse storage space. Based on the ITE's Trip Generation Manual (10th Edition), the 23,000 sqft warehouse would generate a total of 21 vph during the AM Peak Hour and approximately 19 vph during the PM Peak Hour. 45th Street, Metropolitan Avenue and Interstate I-635 should have ample capacity to safely convey this small increase in traffic volume on the existing street and highway grid. Access from Lot 7 would connect directly onto the south side of Douglas Avenue which intersects with 45th Street approximately 120 ft to the east. Douglas Avenue dead-

ends to the west of the site. 45th Street also dead-ends to the south, but there is additional open ground further to the south that could be developed in the future.

PRELIMINARY DEVELOPMENT PLAN
PRECISION
PART OF LOT 7, MELROSE BUSINESS PARK PHASE II



Lot 7, Melrose Business Park Phase II, Site Plan

Introduction and Study Scope:

This 7-Step Minimum Traffic Impact Study for the proposed Lot 7 of the Melrose Business Park, Phase II, at the southwest corner of 45th Street & Douglas Avenue in Kansas City, Kansas, has been prepared at the request of the LAMPARA Properties, LLC of Kansas City, Kansas. The undeveloped 2.14 acre site, located directly north of the Progressive Insurance Company's Claims Center at the northwest corner of 45th Street & Shearer Road, is currently undeveloped. The proposed Lot 7 improvements would include a 23,000 sqft warehouse building. Based on the ITE's Trip Generation Manual (10th Edition) for General Light Industrial (110), the 23,000 sqft building on Lot 7 would generate a total of 21 vph during the AM Peak Hour and approximately 19 vph during the PM Peak Hour.

The Unified Government requires the preparation of a Traffic Impact Study to evaluate the impact from new development projects. The level of detail required is based on the projected trip generation volume that a project will create. For a Level 1 Traffic Impact Study, a development would generate a threshold of 99 vehicles or less during peak traffic hours. Level 2 studies generate over 100 vehicles and require a full Traffic Impact Study. Level 3 studies generate over 500 vehicles and requires a more involved Traffic Impact Study of the extended study area around the site. The first step requires an estimate of the new and pass-by traffic which the site would generate and determine if this exceeds the 100 vehicle threshold during a peak hour of traffic.

Minimum Traffic Impact Study (Seven Step Investigation)

Step-1: Development Plans & Land Uses

A Preliminary Development Plan for the 2.14 acre Lot 7 of the Melrose Business Park, Phase II would be classified as General Light Industrial for land usage. The site is located on the southwest corner of 45th Street & Douglas Avenue, and is located directly north of the Progressive Insurance Company's Claims Center at the northwest corner of 45th Street & Shearer Road.

Step-2: Land Uses

The existing site is currently undeveloped. The UG's Zoning Map indicated that the site was classified as MP-2, with additional MP-2 development to the north, south, east and west.

Step-3: Functional Classification of Public Streets

The streets that would be impacted by the addition of the development of Lot 7 of the Melrose Business Park, Phase-II, include Douglas Avenue, 45th Street, Metropolitan Avenue and Interstate I-635. Douglas Avenue is a 2-lane collector with curb & gutter and no posted speed limit. 45th Street is a 2-lane collector with curb & gutter and no posted speed limit. Metropolitan Avenue is a 5-lane minor arterial with a posted speed limit of 30 mph. Interstate 435 is a 6-lane divided freeway with 12' paved shoulders on the inside and outside lanes in both travel directions and a posted speed limit of 65 mph.

Step-4: Allowable Access to the Development

Allowable access to the site would include Douglas Avenue, 45th Street, Metropolitan Avenue and Interstate I-635. All of these streets are public and already fully constructed. The intersection of 45th Street and Metropolitan Avenue is fully signalized and aligns with the southbound entrance/exit ramps from Interstate I-635. The northbound entrance and exit ramps interchange with Metropolitan approximately 580' east of 45th Street and is also fully signalized. The close proximity of the I-635 & Metropolitan interchange would allow the proposed Lot 7 of the Melrose Business Park Phase-II with ready access to the metropolitan Kansas City highway grid.

Step-5: Current Public Street Characteristics Adjacent to Site

Douglas Avenue is a 2-lane asphalt-surfaced street with curb & gutter. 45th Street is a 2-lane asphalt-surfaced street with curb & gutter. Metropolitan Avenue is a 5-lane street with concrete pavement in the interchange area at Interstate I-635. Metropolitan Avenue is a 4-lane asphalt-surface street further to the east from I-635 and a 2-lane open street with narrow shoulders and open drainage ditches. The streets appear to be in good condition. No lane additions or street lane widening improvements are anticipated for any of the streets mentioned above for the regular day-to-day traffic usage in the region.

Step-6: Proposed Site Access

Proposed access from Lot 4 would be with a private driveway connection to the south side of Douglas Avenue.

Step-7: Trip Generation Estimates

Trip Generation: Lot 7 of the Melrose Business Park, Phase-II, would have a 23,000 sqft building that would be classified as General Light Industrial (ITE No. 110). After reviewing the 10th edition of the Trip Generation Manual published by the Institute of Transportation Engineers (ITE), the AM Peak Hour of traffic would have a trip generation rate of 0.92 vph/KSF of building area with 87% of vehicles entering the site and 13% exiting. The PM Peak Hour of traffic would have a trip generation rate of 0.83 vph/KSF of building area with 13% of vehicles entering the site and 87% exiting. Based on the proposed building square footage's and the ITE trip generation rates, the following table shows the volumes of traffic anticipated to be generated by the proposed Lot 7 site of the Melrose Business Park, Phase-II at full development:

Melrose Business Park Traffic Generation Calculations

	Trip Gen. Rate	Building Size	Total Traffic	Traffic Entering	Traffic Exiting
AM Peak Hour	0.92 vph/KSF	23 KSF	21 vph	18 vph (87%)	3 vph (13%)
PM Peak Hour	0.83 vph/KSF	23 KSF	19 vph	3 vph (13%)	16 vph (87%)

The 2018 KDOT Traffic Volume Map for the greater Kansas City Area shows that the AADT for Metropolitan Avenue east of I-635 was approximately 6070 vpd, and the AADT for Interstate I-635 was approximately 74,200 vpd. Considering that Lot 7 of the Melrose Business Park, Phase-II would be generating less than 40 vph during both the AM and PM peak hours, the additional traffic should have minimal impact upon the streets identified above for traffic access to the proposed site.

Lot 7, Melrose Business Park, Phase II
45th Street & Shearer Road
Kansas City, Kansas 66106
CFS Project #21-5206

Stormwater Drainage and Water Quality Study

June 28th, 2021

Prepared for:
NAMPARA Properties, LLC
3155 Fiberglass Road
Kansas City, Kansas 66106
(913) 681-9050

Prepared by:
CFS Engineers
1421 E 104th Street, Suite 100
Kansas City, Missouri 64131
(816) 333-4477



STORMWATER DRAINAGE & WATER QUALITY STUDY SUBMITTED BY THE APPLICANT,
DATED JUNE 28, 2021, CONT.

Lot 7, Melrose Business Park, Phase II
45th Street & Shearer Road
Kansas City, Kansas 66106
Stormwater Drainage and Water Quality Study
June 28th, 2021

Introduction:

This Stormwater Drainage and Water Quality Study for Lot 7 of the Melrose Business Park, Phase II in Kansas City, Kansas, has been prepared at the request of LAMPARA Properties, LLC., in accordance with the requirements of the Unified Government of Wyandotte County / Kansas City, Kansas. The project would be located at the southwest corner of 45th & Douglas Avenue, approximately a quarter mile west of Interstate I-635 and a half mile south of Metropolitan Avenue in Kansas City, Kansas



Lot 7, Melrose Business Park, Phase-II, Location Map

The project contains 2.14 acres in the northwest quarter of the southwest quarter of Section 30, Township 11 South, Range 25 East. The site lies within the Turner Creek watershed approximately two and a half miles south of the Kansas River. The NRCS

Lot 7, Melrose Business Park, Phase-II
Stormwater Drainage and Water Quality Study

pg 2

STORMWATER DRAINAGE & WATER QUALITY STUDY SUBMITTED BY THE APPLICANT,
DATED JUNE 28, 2021, CONT.

Web Soil Survey indicated that the soils for the site are comprised exclusively of Knox Complex, 18 to 30 percent, Type B Hydrologic Soil Group. The proposed site is completely undeveloped. Lots 5 and 6 of the Melrose Business Park, Phase II, are located to the west and the Progressive Claims Center is located to the south.

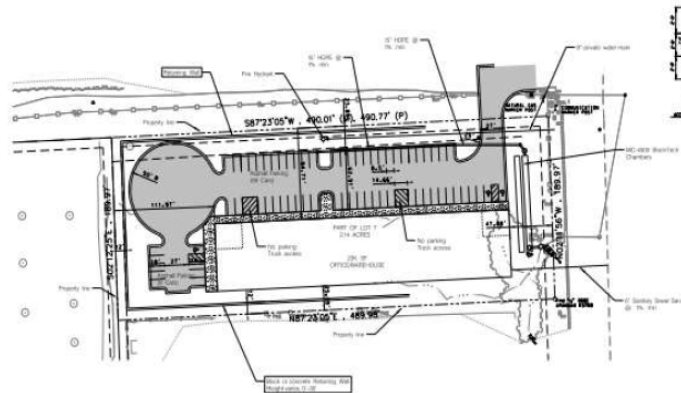


**Existing Conditions Photographs of Lot 7 Looking West with Douglas Avenue
along North**

Preliminary Development Plan:

For the Preliminary Development Plan, the site is shown at full build-out for future conditions where Lot 7 would contain a 23,000 sqft warehouse and parking lot connecting to Douglas Avenue approximately 110 ft west of 45th Street. When the site is built-out in the future, Best Management Treatment features for stormwater quality treatment would be constructed along with the proposed building and parking areas. The planned BMP features would include an MC-4500 underground stormwater retention basin. The site layout shown on the Preliminary Development Plan is conceptual and final design of the BMP treatment elements would be done in the future when the project is ready to be built.

PRELIMINARY DEVELOPMENT PLAN
PRECISION
PART OF LOT 7, MELROSE BUSINESS PARK PHASE II



Final Development Plan:

Lot 7, Melrose Business Park, Phase-II
Stormwater Drainage and Water Quality Study

pg 4

STORMWATER DRAINAGE & WATER QUALITY STUDY SUBMITTED BY THE APPLICANT,
DATED JUNE 28, 2021, CONT.

of the site would also provide water quality treatment for the site. In order to hold the minimum required water quality volume 0.161 ac-ft for the site and slowly release the volume over a 40-hour period, a 2" diameter orifice would be installed in the outlet structure at invert elevation 868.25'. An overflow weir wall would be set at crest elevation 872.65' to allow the overflow from heavier storms to by-pass the 2" orifice and flow to the main 7" diameter outflow orifice.

Conclusions:

For the present day conditions, the Future Development Plan for Lot-7 of the Melrose Business Park, Phase-II development would include the asphalt millings laydown area. The asphalt millings laydown area would reduce stormwater runoff and improve the water quality of stormwater runoff.

For the Preliminary Development Plan conditions with the future full-build-out of the site with the building and parking lot, the BMP treatment features would be designed with drainage and water quality features to comply with the Unified Government's requirements and design criteria. An underground MC-4500 detention basin would serve dual purpose to meter the release rate for post-development stormwater runoff from the site and to provide BMP treatment of the proposed building and parking lot surfaces. The total peak release rates for the 100-year design storm would be metered and reduced to flow rates less than the pre-development conditions.

Recommendations:

The stormwater detention system and water quality BMP treatment methods for the project were designed to meet with the requirements of the Unified Government's Urban Planning and Development Department and the Development Review Committee's Engineering staff, and the project should be approved for construction to serve the County, City and surrounding community.

Section 27-573 - Purpose and intent.

The commercial design guidelines are intended to provide definitions and descriptions of acceptable design in specified areas of both the county and the city. These guidelines are established to accomplish the following goals:

- (1) Relate development to surrounding community;
- (2) Provide direction for the creation of quality development with respect to site planning, architectural design, and landscaping;
- (3) Ensure quality design that reflects community identity and sense of place;
- (4) Support property values in new development and redevelopment; and
- (5) Implement the long-range vision of the community.

Section 27-574 - Boundaries and application.

(a) The commercial design guidelines are applicable to all commercial and office development within the boundaries identified on the map (see appendix "A"). Commercial design includes all districts beginning with a "C" designation such as C-O, C-I, C-2 and C-3. This includes those commercial and office areas located west of 94th Street.

(b) The commercial design guidelines shall apply to all new development within the area described in subsection (a) of this section. The guidelines shall apply to existing development when changes (renovation, restoration, modification, addition, or retrofit, collectively referred to as rehabilitation) are proposed to a structure or a site that will exceed 50 percent of the current appraised value of the structure or site, as established by the county. Rehabilitation costs shall be aggregated over a five-year period to determine whether the development is subject to these guidelines.

(c) Rehabilitation projects shall conform to these guidelines to the greatest extent possible and shall provide written explanations for each area of noncompliance.

(d) Design solutions proposed as an alternative to these requirements may be considered by the planning commission provided that such alternative design furthers the purposes and intent of this subdivision and does not result in design that would otherwise violate the terms of the regulations contained in this subdivision.

(e) Design review will be provided as follows:

Application	Review	Appeal
Rezoning	Planning Commission	Board of Commissioners
Special Use Permit	Planning Commission	Board of Commissioners
Development Plan (without rezoning) DRC process	Director Urban Planning	Planning Commission
Development plan with rezoning	Planning Commission	Board of Commissioners
Alternative design	Planning Commission	Board of Commissioners

(f) Where there is conflict between the terms of this subdivision and other regulatory provisions applicable in the land development process, the more strict regulations will apply.

Section 27-575 - Site character.

(a) *Intent.* To encourage on-site and off-site compatibility of development while considering the relationship between site design and the existing environment. Site character includes consideration of: physical and natural features of land; building placement; vehicular access; circulation and parking; pedestrian access; preservation and buffering of views; surrounding development; and community character.

(1) Development should be sited in a manner consistent with, and be appropriate for, many of the existing conditions of the site.

(2) Parking and circulation should account for pedestrians bicycles and vehicles.

(3) Building and street layout should define a cohesive development.

(b) *General layout.*

(1) Multilot or multibuilding developments shall be designed as unified projects with a sense of place reflected through development layout and architectural design.

(2) Linear or strip development is discouraged, including linear open-air centers or strip centers, either of which front parking lots.

(3) Large retail establishments (big box) are subject to these guidelines with the following specific requirements:

a. All big box developments shall include at least three retail establishments located in a complex that is planned and managed as a single unit.

b. No more than 80 percent of the off-street parking may be located in the front of the development if more than 80 percent is in front then the number of landscape islands will be increased by 50 percent.

c. At least two sides (the two sides that are projected to have the highest level of pedestrian activity) of a big box store (of more than 120,000 square feet) shall include customer entryways. Additional stores located within the development shall also have clearly marked entryways. The entryways shall be defined with at least three of the following features:

1. Canopy or portico;

2. Overhangs;

3. Recesses/projections;

4. Raised cornice parapets over doors;

5. Peaked roof forms;

6. Arches;

7. Outdoor patios;

8. Display windows;

9. Architectural details such as tile work or moldings that are integrated into the building or structure;

10. Integral planters or wing walls that incorporate landscaped areas and/or places for seating.

(c) *Grading and drainage.*

(1) Where possible, new development should maintain the natural topography of the existing site. Extensive grading (more than 70 percent of the site) or unusual site improvements are strongly discouraged.

(2) Site drainage patterns shall be designed to prevent surface drainage from collecting on and/or flowing across pedestrian areas.

- (3) Use of stepped retaining walls is where necessary along public streets and other visible areas of the site to reduce the steepness of manmade slopes and to provide pockets or terraces for revegetation and landscaping. Every wall over six feet in height must be "stepped." Four feet of terrace is required for every eight feet of wall.
 - (4) Detention ponds should not be contained within a lot or parcel that contains a building site. One detention area may be required to serve multiple lots.
 - (5) Detention ponds should be designed as a project amenity.
- (d) *Circulation.*
- (1) Projects must be designed to minimize any increased traffic use of neighborhood streets.
 - (2) Curb-cuts should be minimized and concentrated at mid-block.
 - (3) A sense of entry or arrival shall be created at primary entryways into the development. Building placement, landscaping, gates, entry monuments, specialty lighting, and other design elements can be used to create this design effect.
 - (4) Driveway configuration and design should be determined based on the size of development and capacity of streets. For example, a large, traffic-generating development with a multi-neighborhood drawing radius should provide significantly more driveway space for ingress and egress with turn lanes than a smaller, neighborhood-oriented development.
 - (5) The number of external entrances should be consistent with existing or anticipated design of adjacent streets.
 - (6) To reduce the need for multiple street access points and to allow for the potential future reduction of driveways consistent with access management principles, access points and driveways must be planned and shared between properties, with access easements noted on plats or other recorded document.
 - (7) There shall be a hierarchy of internal circulation beginning with site access from the public street.
 - a. Access driveways shall feed into driving lanes which shall divide into parking lanes and parking areas.
 - b. There shall be limited access to driveways, which shall be provided from driving lanes, not parking areas, wherever possible.
 - c. Circulation patterns within parking areas shall be defined by curbs and landscaped islands.
 - d. Where possible, groups of buildings should be serviced by dedicated service access lanes.
 - (8) Internal vehicular, bicycle and pedestrian circulation must connect in a manner obvious to users.
 - (9) To the maximum extent possible, there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems.
 - (10) Sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses. This may include cafe seating and outdoor sales pursuant to the Chapter 32, Article III.

(11) Internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces.

(12) Pedestrian connections must be clearly defined in a combination of two or more of the following ways:

- a. Six-inch vertical curb.
- b. Trellis.
- c. Special railing.
- d. Bollards.
- e. Special paving.
- f. Low seat wall or other architectural features.
- g. Pedestrian scale lighting.
- h. Traffic calming devices.

(13) Site design should integrate and facilitate access to public transit.

(14) Sidewalks that are within reasonable proximity to an identified trail system should connect to that system and accommodate the uses anticipated on the trail (e.g., pedestrian, bicycle).

(e) Parking.

(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind buildings or in the interior of a block.

(2) Pedestrian walkways through the parking area to building entrances should be clearly marked pursuant to this subdivision.

(3) Parking located between front of building and street right-of-way must provide an additional 20 feet of landscaped area in addition to the required setback.

(4) Parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements.

(5) Parking lot curb cuts must be designed and minimized to reduce conflicts between pedestrians and automobiles.

(6) Accessible parking must be provided according to unified government requirements.

(7) Dead-end parking without a designated turn-around area should be avoided and shall not be permitted on any new projects that are not infill or redevelopment.

(8) Parking should be divided into blocks of 40 to 50 spaces. Where this is not easily defined, groups of 20 spaces should be divided by a landscape island at least the size of one stall.

(9) Structured parking, as follows:

- a. Structured parking adjacent to a street shall provide an active front with pedestrian-oriented uses.
- b. Structured parking shall integrate with adjacent buildings using similar materials, alignments, and architectural finishes.

(10) Cart corrals should be low-profile, created with pavement (e.g., curbs), may include a bollard to deflect parking, and should have low-profile identification signs, no taller than four feet.

(f) Building elements.

(1) There should be a designated walkway or clear pathway to the main entrance of a building so that pedestrians are not required to walk through parking lots.

(2) Buildings should be located in such a manner as to minimize conflicts between pedestrians and automobiles.

- (3) Buildings should be oriented primarily to the street.
- (4) Retail shops at street level should have direct access to and from the sidewalk.
- (5) Entrances should be easily identifiable as primary points of access to buildings.
- (6) Corner buildings at gateways or prominent intersections shall be designed to emphasize the gateway or intersection location. This may include major architectural expression in the facade roof form and/or massing, such as:
 - a. Larger bulk;
 - b. Tower forms;
 - c. Peaked roofs; and/or
 - d. Over-sized windows.
- (7) Pad sites shall be clustered together to define street edges and entry points or to enclose and create interesting places between buildings, such as public outdoor seating, landscaped areas, or other focal points.
- (8) Buildings, walls, trees, topography, and other site features shall be oriented and arranged to define circulation areas and lend a human scale to the development.
- (9) Shared parking between adjacent or closely related developments is strongly encouraged, provided each development complies with unified government parking requirements.
- (g) *Outdoor storage areas/mechanical equipment.*
 - (1) Masonry screen walls are required to provide 100 percent opaque screening to public views of loading and service areas from other properties or public streets.
 - (2) Service areas and docking facilities should be located to the side or rear of the building away from public streets and main circulation and drives when possible.
 - (3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.

Section 27-576 - Architectural design.

- (a) *Intent.* It is the intent of this section to create and enhance community image through thoughtful design development. This section is intended to ensure that:
 - (1) Design relates buildings to each other and to the community.
 - (2) Good design incorporates and combines design theme, building facade materials, colors, roof, and equipment.
 - (3) Similar to site design, building design at street level must be oriented to people and cars.
- (b) *Overall design.*
 - (1) Architectural design shall create or contribute to uniqueness or sense of a specific place.
 - (2) Building elevation design determinations must consider the character of the surrounding architecture and neighborhood and incorporated design elements that further reflect or enhance community character. Where community character is difficult to determine, planning staff will work with the applicant to identify any relevant features.

(c) *Building facade.*

- (1) Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building.
- (2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the facade. This can be achieved through combinations of at least three of the following techniques:
 - a. Divisions or breaks in materials;
 - b. Building offsets (projections, recesses, niches);
 - c. Window bays;
 - d. Separate entrances and entry treatment; or
 - e. Variation in rooflines.
- (3) The scale of individual building facade components should relate to one another and the human scale, particularly at street level.

(d) *Design theme.*

- (1) A single building development with multiple buildings must maintain a consistent style/architectural theme. Architectural design building materials, colors, forms, roof style and detailing should all work together to express consistent design. This includes all pads within a retail development, as well as gasoline pump canopies or other accessory structures.
- (2) Large buildings adjacent to small buildings should consider and incorporate architectural design elements and details such that the scale of the larger building appears compatible with that of the smaller building.
- (3) The composition of a building more than three stories tall shall include a clearly recognizable base, middle, and top. The base of a building should be weightier in appearance than the rest of the building. This can be accomplished with use of heavier, larger, or darker building materials. The top of the building may include, among other things, cornice treatments, sloping roof, or stepped parapets.
- (4) Buildings in a grouped development should approximately align horizontally in their main architectural elements, windows, sills, cornices, banding, etc., although these lines may be carried from building to building by different elements.
- (5) A single, large dominant building mass shall be avoided. Changes in mass should be related to entrances, the integral structure, and/or the organization of spaces and activities.
- (6) Building elements must not function as signage. The appearance of "franchise architecture" where buildings function as signage is discouraged. Incorporation of franchise or business design elements unique or symbolic or a particular business must be unobtrusive and secondary to the overall architectural design.

- (7) New primary structures that express a standardized corporate identity shall incorporate at least three of the following elements to create a facade and building design similar to those on an existing primary structure visible from the new primary structure and located within 500 feet of the new primary structure. Significant departures from "off-the-shelf" buildings, either locally or by national chains, may be required to meet this standard.
- a. A similar roofline or roof material.
 - b. Similar facade colors and materials.
 - c. Similar pedestrian entry locations and entryway architecture.
 - d. Similar amounts of glazing on facades visible from the public street.
- (8) Accessory structures must incorporate matching design and materials of the primary building.
- (e) *Building materials.*
- (1) Building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally-colored, textured, or glazed concrete masonry units, high quality prestressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials.
- a. Building design should avoid large expanses of highly reflective surfaces and mirror glass exterior walls.
 - b. Highly tinted glass or glass tinted in unnatural colors should be avoided.
- (2) Exterior building materials shall not include the following:
- a. Split shakes, rough sawn, or board and batten wood;
 - b. Vinyl siding;
 - c. Smooth-faced grey concrete block, painted or stained concrete block, tilt-up concrete panels;
 - d. Field painted or prefinished corrugated metal siding;
 - e. Standard single-tee or double-tee concrete systems; or EIFS at the ground level or comprising more than 15 percent of any facade.
- (3) Exterior building material must be continued down to within nine inches of finished grade on any elevation. Exterior masonry materials must be continued to the top of grade.
- (4) All building facades shall be at least 50 percent masonry. Cementitious siding may be used to meet 50 percent of the total masonry requirement.
- (f) *Building color.*
- (1) Color should be used to tie building elements together.
 - (2) All building projections shall match or complement in color the permanent color of the surface from which they project.
 - (3) Intense, bright, black, or fluorescent colors shall be used sparingly and only as accents.

(g) *Building roof.*

- (1) Buildings should have a defined top. This can be accomplished with cornices, caps, parapets, or roofs.
- (2) Three-dimensional rooftops are encouraged. Variation in roofline is suggested to reduce the scale of large buildings.
- (3) Sloped roofs or canopies shall be covered with high quality roofing material such as approved by the director. Metal roofing is preferred, especially for small articulations. Asphalt is discouraged and wood roofing materials are prohibited.

(h) *Windows.*

- (1) For new construction, windows, windows with awnings, and covered pedestrian walkways should total at least 60 percent of the building frontage along public streets or parking lots. Windows should be for display purposes or to allow viewing both into and out of the interior. Exceptions may be made for individual tenants in excess of 20,000 square feet gross floor area or the rear elevation of a building that backs up to a public street, where the window percentage should be 25 percent of the linear building frontage.
- (2) Reflective or mirrored glass for use as windows is prohibited, unless determined otherwise by the director. Clear glass shall be used for storefronts, windows, and doors. Window painting, signage, or view blocking techniques are not permitted.

(i) *Auto-oriented uses.* Drive-up and drive-through facilities, order stations, pick-up windows, bank teller windows, money machines, etc., shall be located on the side or rear of primary structures to minimize views from public streets. Drive-up and drive-through lanes should be not located between the front of the primary structure and the adjacent streets or sidewalks. Drive up facilities including drive lanes shall not be located within 150 feet of an existing residential structure, all means available should be taken to minimize the impact on adjacent residential structures.

(j) *Phasing of improvements.* If a center is to be built in phases, each phase shall include an appropriate share of the proposed streets and circulation system, landscaping and outdoor spaces, screening, and other site and architectural amenities of the entire project. The extent of these improvements shall be determined for each phase of a specific project at the time of project development approval and may not be based solely upon a proportional or equal share of the entire site. Requirements for a phased project may include off-site improvements to accommodate the necessary public infrastructure to adequately screen the site.

Section 27-577 - Landscaping and screening.

(a) *Findings and intent.* Landscaping offers many benefits including providing color and shade, buffering wind, sun, and bad views, and reducing glare. Landscaping also integrates structures and uses with the site while reducing the visual impact of development on adjacent uses.

- (1) Landscaping is important to completing the design picture.
- (2) Landscaping is a working component of the development, serving to screen, buffer, soften, and energize the buildings, streets, and parking.
- (3) Landscaping identifies street frontage and maintains character for rights-of-way.
- (4) Landscaping is an on-going requirement for healthy development.
- (5) Landscaping shall exceed the typical code requirements by at least 75 percent.

(b) *Streets and drives.*

- (1) New construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater. This requirement may be reduced to 12 feet where there is no paving, other than a sidewalk, between a building and the right-of-way. The distance is to be measured from the public right-of-way or curblin of a private easement.
- (2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity.
- (3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - a. One tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage.
 - b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees.

(c) *Design.*

- (1) Unity of design should be achieved by repetition of certain plant varieties and other materials and by coordination with other landscaping where appropriate.
- (2) Plant selection should be appropriate to planting zone, hydrozone, specific site conditions, and ability to provide year-round ornamental value.
- (3) The choices, placement, and scale of plants should relate to the architectural and site design of the project. Plantings should be used to screen, accent focal points and entries, to contrast with or reinforce building design, to break up expanses of paving or wall, to define on-site circulation, to provide seasonal interest, and to provide shade.
- (4) Landscape areas located between commercial districts and residential districts must provide 100 percent sight-obscuring year-round buffer using plant material or a combination of fence, berm and plant material.
- (5) Landscape and streetscape design should be used to enhance the frontage of primary roadways.

(d) *Buildings.*

- (1) At least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.
- (2) Planting must be massed and scaled as appropriate for the entryway size and space.
- (3) Landscaping should breakdown in scale and increase in detail, color, and variety to mark entryways into developments.

(e) *Parking.*

- (1) Parking lot landscaping must be used to minimize the expansive appearance of parking lots, provide shaded parking areas, and mitigate any negative acoustic impacts of motor vehicles.
- (2) Parking lot landscaping should reinforce pedestrian and vehicular circulation, especially parking lot entrances, end of driving aisles, and pedestrian walkways leading through parking lots.
- (3) Groups of parking of between 40 and 50 spaces must be separated by a ten-foot-wide landscaped median or berm, or pedestrian walkway within a landscaped median.
- (4) Parking areas that cannot be grouped must include one landscaped island the size of one stall separating each 20 spaces.
- (5) The primary landscaping material used in parking lots must be trees that provide shade or are capable of providing shade at maturity. Shrubbery, hedges and other planting materials may be used to complement the tree landscaping but shall not be the sole means of landscaping.

(f) *Maintenance.*

- (1) All new development landscaping must be irrigated with an automatic system approved by the planning department. Rehabilitation development must either have an irrigation system or a watering plan.
- (2) Plants that die must be replaced as quickly as possible, but in no event longer than four months.

(g) *Phasing.* The first phase of construction should include perimeter landscaping, entry drives, and detention ponds. Future phases must indicate interim landscaping.

Section 27-578 - Crime prevention through environmental design (CPTED).

(a) *Territoriality.* Territoriality is a concept that clearly delineates private space from semipublic and public spaces and creates a sense of ownership. Ownership thereby creates an environment where appearance of such strangers and intruders stand out and are more easily identified through:

- (1) The enhanced feeling of legitimate ownership by reinforcing existing natural surveillance and natural access control strategies with additional symbolic or social ones.
- (2) The design of space to allow for its continued use and intended purpose.
- (3) The use of pavement treatments, landscaping, art, signage, screening and fences define and outline ownership of space.

(b) *Natural surveillance.* Natural surveillance is a design concept directed primarily at keeping intruders under observation. Provision of natural surveillance helps to create environments where there is plenty of opportunity for people engaged in their normal behavior to observe the space around them. Areas can be designed so they are more easily observed through:

- (1) Design and placement of physical features to maximize visibility. This will include building orientation, windows, entrances and exits, parking lots, refuse containers, walkways, guard gates, landscape trees and shrubs, use of fences or walls, signage and other physical obstructions.
- (2) Placement of persons or activities to maximize surveillance possibilities.
- (3) Minimum maintained lighting standards that provide for nighttime illumination of parking lots, walkways, entrances, exits and related areas to promote a safe environment.

(c) *Access control*. Access control is a design concept directed primarily at decreasing criminal accessibility. Provision of natural access control limits access and increases natural surveillance to restrict criminal intrusion, especially into areas where they will not be easily observed. When present, intruders are more readily recognized through:

- (1) The use of sidewalks, pavement, gates, lighting and landscaping to clearly guide the public to and from entrances and exists.
- (2) The use of gates, fences, walls, landscaping and lighting to prevent or discourage public access to or from dark or unmonitored areas.

(d) *Activity support*. Activity support is the presence of activity planned for the space. Activity support involves placing activity where the individuals engaged in an activity will become part of the natural surveillance system. Examples include:

- (1) Place safe activities in areas that will discourage would be offenders, to increase the natural surveillance of these activities and the perception of safety for normal users, and the perception of risk for offenders.
- (2) Place high risk activities in safer locations to overcome the vulnerability of these activities by using natural surveillance and access control of the safe area.
- (3) Locate gathering areas in locations that provide for natural surveillance and access control or in locations away from the view of would-be offenders.
- (4) Improve the scheduling of space to allow for effective use and appropriate intensity of accepted behaviors.

(e) *Maintenance*. Proper maintenance of landscaping, lighting treatment and other features can facilitate the principles of CPTED, territorial reinforcement, natural surveillance and natural access control. Functions include:

- (1) Proper maintenance of lighting fixtures to prescribed standards.
- (2) Landscaping which is maintained at prescribed standards.
- (3) Minimizing the conflicts between surveillance and landscaping as the ground cover, shrubs and trees mature.



Wyandotte County Conservation District
1204 N. 79th Street - Kansas City, KS 66112 - Phone (913)-334-6329 -
wyco.conservaion@gmail.com

Gunnar H. Hand
Director of Planning
701 North 7th Street Rm. 423
Kansas City, KS 66101
913-573-5750

June 15, 2021

RE: PR2021-019 Mike Sanders office warehouse 4501 Douglas Avenue

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the PR2021-019 Mike Sanders office warehouse 4501 Douglas Avenue.

In addition to the site review the following reports were generated from the Wyandotte County Soil Survey to assess the limitations for development and/or natural resources concerns for this site.

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Dwellings and small commercial Buildings
Soil Features

In summary, the following limitations and resource concerns were noted for this plat:

- There is one major soil type identified: Knox complex, 18 to 30 percent slopes. This soil type is considered very erodible when the surface is denuded of a protective cover.
- This location has had fill dumped across the site. There is no erosion control on site for the fill material. It can easy wash into the road culvert and cause siltation down stream.
- There needs to be an Erosion Control Plan developed for this site.
- It would be very easy to pollute offsite locations.
- The Best Management Practices in this report can be used to develop an Erosion Control Plan.

The following Best Management Practices are recommended for this plat:

* **Access Road** – Temporary entrance/exit pads should be constructed of a stone base design to provide a buffer area where construction vehicles can drop their mud to avoid transporting it onto public roads. See the *Protecting Water Quality Field Guide* pages 27-29 for Temporary Gravel Construction Entrance/Exit Pad.

* **Dust Control** – Any combination of the following may be used to help reduce the dust and air pollution at a construction site; vegetative cover, sprinkling, barriers, street cleaning and mulching. See the *Protecting Water Quality Field Guide* pages 89-92 for Dust Control information.

* **Critical Area Planting** - After final grade has been completed permanent vegetation will be established. See the *Protecting Water Quality Field Guide* pages 35-54 for Temporary, and Permanent Seeding.

* **Filter Strips** – During development, strategic non disturbance of existing perennial grass vegetation can function as filter strips. See the *Protecting Water Quality Field Guide* pages 195-200 for Filter Strip.

* **Silt Fences**- Temporary sediment barrier consisting of a geotextile fabric which is attached to supporting posts and trenched into the ground may be substituted for vegetative strips. Install on the contour, where fence can intercept runoff as a sheet flow; not located in crossing channels, waterways or other concentrated flow paths. See the *Protecting Water Quality Field Guide* pages 175-181 for Sediment Fence.

* **Sediment Trap** -Temporary catch basins consisting of a row or more of entrenched and anchored straw bales can be utilized in minor swales with less than 2 acres of drainage. See the *Protecting Water Quality Field Guide* for Straw Bale Sediment Trap.

* **Mulching** – Mulch can be applied to seeded areas to help establish plant cover. It can also be used in unseeded areas to protect against erosion over the winter or until final grading and shaping can be accomplished. See the *Protecting Water Quality Field Guide* pages 61-66 for Mulching.

* **Precision Land Forming** – Keep disturbed areas small; open only the land that is minimally necessary to perform the intended construction activities; and only for the minimum duration of time necessary to complete construction. Permanent or temporary soil stabilization should be applied to denuded areas that will remain undisturbed for longer than 60 days.

* **Sediment Basins** – This best management practice should be utilized in the natural concentrated flow areas to protect adjacent property and meet the National Pollution Discharge Elimination Systems Permit (NPDES). See the *Water Quality Field Guide* pages 201 – 208 for Temporary Sediment Trap and pages 209-216 for Sediment Basin.

Technical assistance is available from our office. Limitation maps, detail soil reports and a conservation plan can also be requested for this site from our office.

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural soils and drainage pattern may have been changed in this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however, some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineation on the maps includes soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller
District Manager

enclosures

June 19, 2021

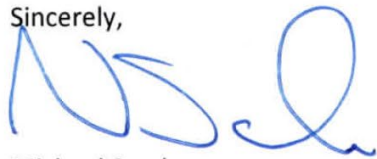
ADDRESS AND NAME

To whom it may concern,

Nampara Properties LLC has filed a Preliminary and Final Site Development Plan with the Unified Government of Wyandotte County, and the Kansas City Kansas Department of Urban Planning and Land Use. Petition number PR2021-019 will allow for the construction of a warehouse and/or lot for the storage of equipment at 4501 Douglas Avenue, Kansas City, KS 66115.

Due to the ongoing social distancing restrictions cause by the COVID-19 pandemic, the Unified Government is requesting that anyone with any questions or comments to email or call at the contact information provided below. You may call anytime after you receive this letter, but before June 30th at 4:00 pm. The purpose of this correspondence is to allow for any interested party to ask any questions they may have about the project. Please contact our office at the address or locations listed below.

Sincerely,



Michael Sanders
Nampara Properties LLC
mds@wecutkc.com,
(913)681-9050

NEIGHBORHOOD MEETING MATERIALS, DATED JUNE 30, 2021, CONT.

Mike Sanders

From: Dana Jordan
Sent: Monday, November 9, 2020 5:25 AM
To: Mike Sanders
Subject: FW: Construction

Here is some feedback from the neighborhood meeting.

Dana Jordan

From: I
Sent: Friday, November 6, 2020 7:17 PM
To: Dana Jordan
Subject: Construction

Thank you for the information about the New project. It's nice to see it get developed and use out of it. Looking forward to the progress of the neighborhood

NEIGHBORHOOD MEETING MATERIALS, DATED JUNE 30, 2021, CONT.

AFFIDAVIT – NIEGHBORHOOD MEETING:

STATE OF KANSAS)
) SS:
COUNTY OF WYANDOTTE)

Comes now Nampara Properties LLC, by and through Michael D. Sanders (collectively known as “Petitioner”), being of lawful age, sound mind and upon his oath, and states as follows:

1. That Nampara Properties LLC is the Petitioner, and I am the Managing Member for said entity, regarding Petition # PR-2021-19, and PR-2021-20.
2. That Petitioner conducted a neighborhood meeting via, inter alia, telephone and email on or between June 20, 2021, and June 30, 2021, concerning the properties at the listed addresses: 4605 Shearer Road, and 4501 Douglas. Petitioner, at their business, was open to receive telephone calls and emails.
3. Pursuant to (2) above, Nampara received one phone call from Jim Ferree who lives on or at 1901 47th street, phone number (913)526-7137. Mr. Ferree's questions did not relate to the project and concerned a neighbor's property on Douglas wherein the neighbor was expressing interest in building a "3,000 sq ft garage."
4. Attached is a copy of the notice(s) mailed to the property owners based upon on the list that was provided by the Urban Planning and Land Use Department.
5. Petitioner previously received an email from a neighboring property owner krismac0511@gmail.com stating, in essence, that they were "looking forward" to the area being developed and it being used.

Further Affiant saith not.


Nampara Properties LLC, Affiant
By: Michael D. Sanders

ACKNOWLEDGEMENT BY INDIVIDUAL

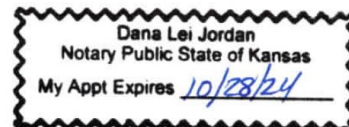
STATE OF KANSAS)
COUNTY OF WYANDOTTE) ss.

On the 8th day of July, 2021, before me personally appeared the following: Nampara Properties LLC by and through its Managing Member Michael D. Sanders, all to me known to be the person/persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

My term expires: 10/28/24 [Signature] Notary Public

1





Planning and Urban Design

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: August 26, 2021

Re: **Petition PR2021-020**

GENERAL INFORMATION

Applicant:
Mike Sanders

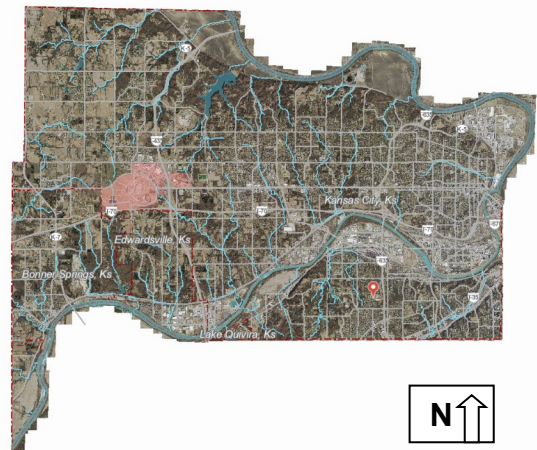
Status of Applicant:
Representative
Lance Scott with CFS Engineers
1421 East 104th Street
Kansas City, MO 64131

Requested Action:
Approval of a Preliminary and Final
Development Plan.

Date of Application:
May 28, 2021

Purpose:
To build a 30,000 square foot office and
warehouse with an initial laydown area.

Property Location:
4605 Shearer Road
Kansas City, KS 66109



Commission District:	Commissioner At Large: Tom Burroughs District #6 Commissioner: Angela Markley
Existing Zoning:	MP-2 Planned General Industrial District
Adjacent Zoning:	North: MP-2 Planned General Business District South: R-1 Single Family District East: M-2 General Industrial District West: R-1 Single Family District
Adjacent Uses:	North: Undeveloped land (approved for contractor storage yard) South: Single family homes East: Office and warehousing West: Single family homes
Total Tract Size:	4.79 Acres
Master Plan Area:	City-Wide Master Plan
Master Plan Designation:	The Prairie Delaware Piper Master Plan designates this property as Business Park, which allows warehouse (non-hazardous materials), distribution (non-hazardous materials), Business/research parks, related commercial and service uses such as wholesale stores, outlet stores, office supply stores, service stations, convenience stores, hotels, motels, supporting restaurants, etc., and medical facilities.
Major Street Plan:	The Major Street Plan classifies Shearer Road as a Local Street.
Parking Requirement:	Sec. 27-469(e) states in no case, however, shall less than one (1) spaces for each 500 square feet of building floor area be provided. For buildings larger than 20,000 square feet, only one (1) space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet.
Advertisement:	Property Owner Letters – June 18, 2021, July 6, 2021 and August 20, 2021 <u>Wyandotte Echo</u> – Not Required
Public Hearings:	August 9, 2021 and August 26, 2021
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Mike Sanders with Nampara Properties, LLC filed a Preliminary Development Plan to build a 30,000 square foot office and industrial warehouse with the initial use of the property being a laydown area for materials and supplies on 4.79 acres at 4605 Shearer Road.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765

Zoning Enforcement Action: None to date.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The property is situated within an industrial business park, known as Melrose Business Park Phase 2. There are a few remaining vacant lots that are industrially zoned. This property borders single family homes to the south and west.

2. The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.

The proposed use will increase traffic along Shearer Road, however not to the point that will adversely affect road capacity, safety or create parking problems because this area is designated as a business park.

3. The degree of conformance of the proposed use to the Master Plan.

The proposed use conforms to the Master Plan as this is an industrial use.

4. The extent to which utilities and public services are available and adequate to serve the proposed use.

a. Water service

Water service is provided by BPU.

b. Sanitary sewer service

Sanitary sewer service is provided by the UG.

c. Storm water control

Designed to meet City Code.

d. Police

Police service is provided by the South Patrol, District #223.

e. Fire

Fire service is provided by Station #17, located at South 51st Street and Matney Avenue.

f. Transit

Kansas City ATA does not provide transit service near this property. The closest transit stop is at 42nd and Metropolitan Avenue, approximately northeast 1.07 miles, Route #104.

g. Schools

Public education is provided by Turner USD 202.

5. The capability of the proposed use to meet applicable ordinance and other requirements.

With revisions, the proposed use is capable of meeting applicable ordinance and other requirements.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting by phone and email (allowing comment up to June 30, 2021). Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Screening from residences
Noise
Lighting

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Plan Review **PR2021-020**, subject to:

- 1. The 30,000 square foot office and warehouse building will require its own Final Development Plan;**

2. The exterior portion of the building where the office is located shall comply with the Commercial Design Guidelines;
3. Sec. 27-211(j) In the event that a plan or section thereof is given final approval and thereafter the landowner shall abandon said plan or a section thereof and shall so notify the Unified Government in writing, or in the event the landowner shall fail to commence, as evidenced by receipt of building permits and start of construction, the planned development within eighteen (18) months after final approval has been granted or in the case of subsequent phases each shall be initiated within twenty-four (24) months of issuance of a certificate of occupancy on the entire preceding phase or the plan will be considered abandoned, then in either event such a final approval shall terminate and shall be deemed null and void unless such time period is extended by the Planning Commission upon written application by the landowner. Wherever a final plan or section thereof has been abandoned as provided in this section, no development shall take place on the property until a new development plan has been approved;
4. Sec. 27-469(c)(2) No equipment, material or vehicles, other than operable motor passenger cars, may be kept, parked, stored or displayed closer than twenty-five (25) feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six feet from the street line and not less than three feet in height;
5. Sec. 27-469(c)(3) All accessory materials and products that have been previously used, such as lumber, steel and other metals and concrete products shall be totally screened from view from off the premises. Yards for junk, inoperable vehicles, or salvage storage are not permitted in this district;
6. The existing slope and vegetation on the western and south property lines shall be preserved and enhanced as the residences will be in plain view of the laydown yard and future building site. This tree line effectively screens the laydown area and future building site from the single-family homes to the west. The applicant has stated that the existing slope and trees along the south and west lines have been left in place above the proposed retaining walls;
7. Sec. 27-700(b)(3) A buffer area shall be provided alongside and rear property lines common to or across an alley from residentially zoned property and shall consist of an area fifteen (15) feet in width improved with a six (6) foot architectural screen (wood or metal privacy fence with masonry columns every 32 feet running) adjacent to the property line and one (1) row of shade trees not spaces more than forty (40) feet on center and one row of large shrubs spaced not more than eight feet on center. The landscaping on the south and west property line shall be enhanced to meet this code.

In order to ensure that the residences are protected from having to look down on the storage yard and industrial building (future), the privacy fence with masonry columns every thirty-two (32) feet running shall be installed between the retaining wall and the existing vegetation (abutting the property lines) on the south and west slopes;

8. Significant landscaping shall be installed behind the residences on the western property line that currently have overgrown vegetation against the fence line;
9. Street trees along Shearer Road shall be installed during construction of the laydown storage area;
10. Sec. 27-469(c)(1)d. No use shall be permitted or so operated as to produce or emit: Noise greater than 80 decibels at repeated intervals for a sustained length of time at any point on the property line or noise which causes the day-night level average to exceed 65 decibels for any residence for a sustained period;
11. All lighting, whether mounted on the building or installed in the parking lot shall be hooded or controlled to direct light 90-degrees downward. No light may cast light or glare off the property or onto the public street. In addition to vertical glare, lighting may not cast horizontally on adjacent properties; and,
12. The laydown area may be asphalt millings, however the drive aisles to get to the storage pads must be paved with concrete or asphalt. The entire parcel, not including ground cover and storm water detention cannot be wholly covered with asphalt millings.

Sec. 27-675(a) All parking, loading and maneuvering areas except those serving single-family dwellings or agricultural uses shall be graded and surfaced with a permanent bituminous or concrete pavement. The minimum such surface shall be two (2) inches of asphalt over six (6) inches of compacted gravel. The Unified Government Engineer shall determine acceptable alternatives. All parking spaces shall be clearly marked. All improvements shall be designed and constructed as necessary to prevent dust, erosion, excessive water flow across streets or adjoining property, and to control traffic. A less but dust-free standard of improvement may be permitted by the Unified Government Engineer for industrial storage yards used exclusively for inoperable vehicles, parts, building materials, supplies and equipment of heavy construction equipment and not for parking, loading or maneuvering.

The accepted and approved alternative by the Planning and Urban Design and Public Works Departments is asphalt millings for storage laydown pads for the explicit placement of equipment and materials, whereas the drive aisles that lead to these pads shall be paved with either concrete or asphalt. This standard precedes the current Director of Planning and Urban Design and Public Works County Engineer dating back to the late 2000s.

STAFF RECOMMENDATIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of **PR2021-020**, subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

August 9, 2021 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan for Building Site
Site Plan for Laydown Yard
Grading Plan
Landscape Plan
Landscaping Cross Section
Site Lighting
Building Elevations
Site Photographs provided by Staff dated June 17, 2021.

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	August 9, 2021	August 26, 2021
Preliminary and Approval		
Final Plan		

STAFF CONTACT: **Byron Toy, AICP**

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2021-020** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **PR2021-020**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

August 9, 2021 City Planning Commission Minutes:

Hearing starts at 3:49:20:

PR2021-019 – MIKE SANDERS - SYNOPSIS: Preliminary and Final Plan Review for an office warehouse with the initial use being the laydown area at 4501 Douglas Avenue.

Detailed Outline of Requested Action: The applicant, Mike Sanders with Nampara Properties, LLC, is requesting a Preliminary and Final Plan Review for an office warehouse with the initial use being a laydown area.

City Ordinance Requirements: Article VI Sections 27-196 – 27-209, 27-212

Code Enforcement History: There are no outstanding Notices of Violation associated with either address of the subject property. There is no history of Code Enforcement at the subject property.

PR2021-020 – MIKE SANDERS - SYNOPSIS: Preliminary and Final Plan Review for an office warehouse with the initial use being the laydown area at 4605 Shearer Road.

Detailed Outline of Requested Action: The applicant, Mike Sanders with Nampara Properties, LLC filed a Preliminary Development Plan to build a 30,000 square foot office and industrial warehouse with the initial use of the property being a laydown area for materials and supplies on 4.79 acres at 4605 Shearer Road.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765

Zoning Enforcement Action: None to date.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated August 9, 2021;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and,
6. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative).

Present in Support:

- Mike Sanders, applicant, Nampara Properties, LLC, 3155 Fiberglass Road, Kansas City, KS 66115

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:55:08: Planning Director Hand stated that at 4501 Douglas, one parcel is zoned R-1 in this area and the surrounding properties are zoned M-2. The applicant discussed using asphalt millings for the drive aisles and that does not comply with the ordinance. Staff requires drive aisles to be paved in compliance with the code. (Mr. Wu stated that they will do whatever is required. Chairman Carson asked him to further discuss his questions about the conditions with Staff outside the meeting. Director Hand stated that staff had requested a landscaping buffer and fence along the property bordering R-1 zoned parcels to the north and west. The second application for 4605 Shearer Road has a significant elevation change and staff asked for the retaining wall, if one is eventually being built for the final office warehouse, and other public improvements and street trees on Shearer Road be required to be built for the temporary lay down yard. Staff recommends approval of these applications subject to the conditions in the staff report.

Motion and Vote starts at 3:59:16:

On motion by Mr. Ernst, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Preliminary and Final Plan Review**

PR2021-019:

Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	Not Present
Ernst	Aye
Hill	Aye
Huey	Not Present
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye

Motion to RECOMMEND APPROVAL Passed: 6 to 0

Subject to:

- 1) The proposed office and warehouse building will require its own Final Development Plan;
- 2) Per Section 27-469(c)(2), no equipment, material or vehicles, other than operable motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six feet from the street line and not less than three feet in height;

- 3) Per Section 27-469(c)(3), all accessory materials and products that have been previously used, such as lumber, steel and other metals and concrete products shall be totally screened from view from off the premises. Yards for junk, inoperable vehicles, or salvage storage are not permitted in this district;
- 4) When in the course of proposed or future development it becomes necessary to maintain the slope against the south property line, a new or reinforced retaining wall will need to be constructed. If a retaining wall is necessary for the laydown area, retaining wall calculations are required to be submitted as part of this application. If the wall will be built with the building, calculations must be submitted as part of the Final Development Plan. The existing rock/shale cliff should be preserved and enhanced with landscaping to maintain separation;
- 5) Noise level will not exceed 80 decibels at repeated intervals for a sustained length of time at any point on the property line or noise which causes the day-night level average to exceed 65 decibels for any residence for a sustained period;
- 6) The laydown area may be asphalt millings, however the drive aisles to get to the storage pads must be paved with concrete or asphalt. The entire parcel, not including ground cover and storm water detention cannot be wholly covered with asphalt millings. The applicable paving requirements within the Zoning Code are regulated by Section 27-675. If the applicant will not or cannot comply with an allowed or alternative paving scheme as provided by the Unified Government, then the applicant must request a variance from Section 27-675;
- 7) Applicant is responsible for ensuring that all contractors are issued all necessary permits from the Unified Government departments, including right-of-way and electrical permits;
- 8) If approved, the applicant will need to file and maintain a current business occupation tax application with this office;
- 9) The laydown area may be asphalt millings, however the drive aisles to get to the storage pads must be paved with concrete or asphalt. The entire parcel, not including ground cover and storm water detention cannot be wholly covered with asphalt millings. Per Section 27-675(a): "All parking, loading and maneuvering areas except those serving single-family dwellings or agricultural uses shall be graded and surfaced with a permanent bituminous or concrete pavement. The minimum such surface shall be two (2) inches of asphalt over six (6) inches of compacted gravel. The Unified Government Engineer shall determine acceptable alternatives. All parking spaces shall be clearly marked. All improvements shall be designed and constructed as necessary to prevent dust, erosion, excessive water flow across streets or adjoining property, and to control traffic. A less but dust-free standard of improvement may be permitted by the Unified Government Engineer for industrial storage yards used exclusively for inoperable vehicles, parts, building materials, supplies and equipment of heavy construction equipment and not for parking, loading or maneuvering." The accepted and approved alternative by the Planning and Urban Design and Public Works Departments is asphalt millings for storage laydown pads for the explicit placement of equipment and

- materials, whereas the drive aisles that lead to these pads shall be paved with either concrete or asphalt. This standard precedes the current Director of Planning and Urban Design and Public Works County Engineer dating back to the late 2000s;
- 10) Per Section 27-676(a), a parking lot with 26 to 50, the total parking spaces require at least two (2) ADA-compliant parking spaces. The current parking plan shows 43 total parking spaces, three (3) of which are ADA-compliant. Parking must comply with this plan;
 - 11) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
 - 12) The Final Plan Review must include a revised parking plan that demonstrates pedestrian access, including sidewalks and walkways across the parking lot, and sidewalks along Douglas Avenue and South 45th Street for future connectivity. The applicant must state how they have or will comply with the following Circulation sections of the Commercial Development Guidelines Overlay District, as found in the *Staff Comments and Suggestions* section of this report: Sections 27-575(d)(4), (7)c, (8), (9), (10), and (12);
 - 13) The applicant must state how they have or will comply with the following Parking sections of the Commercial Development Guidelines Overlay District, as found in the *Staff Comments and Suggestions* section of this report: Sections 27-575(e)(1), (2), (4), (5), (6), and (8);
 - 14) If the applicant may submit revised building elevations as part of a future Preliminary and Final Plan Review. Any submitted building elevations must with the following Building Elements sections of the Commercial Development Guidelines Overlay District, as found in the *Staff Comments and Suggestions* section of this report: Sections 27-575(f)(1) and (5), and Section 27-576(h)(2);
 - 15) Per Section 27-575(g)(3), all trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
 - 16) The landscape plan must comply with the following requirements, as found in the *Staff Comments and Suggestions* section of this report: Section 27-466(g), and Sections 27-577(a)(5), (b)(2), (b)(3), (c), (d)(1), and (e);
 - 17) As part of the DRC submittal for building permit for the laydown yard, a revised plan should demonstrate additional shrubbery along the east (front) boundary line, in line with or just to the west of the proposed trees, in order to soften the visible impact of the proposed building and the parking lot;
 - 18) Sec. 27-700(b)(3) *Districts M-1, M-2, and M-3*. A buffer area shall be provided alongside and rear property lines common to or across an alley from residentially zoned property and shall consist of an area 15 feet in width improved with a six (6) foot architectural screen adjacent to the property line and one row of shade trees spaced not more than 40 feet on center and one row of large shrubs spaced not more than eight (8) feet on center;

- 19) Per Section 27-575(c), the following standards must be met during the redevelopment of the property:
- a. Where possible, new development should maintain the natural topography of the existing site. Extensive grading (more than 70 percent of the site) or unusual site improvements are strongly discouraged; and,
 - b. Site drainage patterns shall be designed to prevent surface drainage from collecting on and/or flowing across pedestrian areas;
- 20) The applicant must undertake the following steps to mitigate the effects of site development and construction:
- a. Rumble strips and/or other mitigation measures must be installed at all entry/exit points from the subject properties to the public right-of-way in order to keep dirt and gravel from tracking onto the road; and,
 - b. Dust produced by the earth moving must be kept down and prevented from leaving the airspace of the subject property through the deployment of misters and/or other dust mitigation devices and techniques;
- 21) Retain and preserve the existing rock/slate cliff to the west;
- 22) A building permit is required. Please contact the Building Inspection Division at (913) 573-8620 to begin that process;
- 23) Per Section 27-700(b)(9), any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one (1) foot-candle as measured from said property line;
- 24) All lighting, whether mounted on the building (future) or in the parking lot shall have 90-degree cutoff fixtures;
- 25) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process; and,
- 26) Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sec. 8-610 through Sec. 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.

On motion by Ms. Armstrong, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Preliminary and Final Plan Review**

PR2021-020:

Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	Not Present
Ernst	Aye
Hill	Aye
Huey	Not Present
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye

Motion to RECOMMEND APPROVAL Passed: 6 to 0

Subject to:

1. The 30,000 square foot office and warehouse building will require its own Final Development Plan;
2. The exterior portion of the building where the office is located shall comply with the Commercial Design Guidelines;
3. Sec. 27-211(j) In the event that a plan or section thereof is given final approval and thereafter the landowner shall abandon said plan or a section thereof and shall so notify the Unified Government in writing, or in the event the landowner shall fail to commence, as evidenced by receipt of building permits and start of construction, the planned development within eighteen (18) months after final approval has been granted or in the case of subsequent phases each shall be initiated within twenty-four (24) months of issuance of a certificate of occupancy on the entire preceding phase or the plan will be considered abandoned, then in either event such a final approval shall terminate and shall be deemed null and void unless such time period is extended by the Planning Commission upon written application by the landowner. Wherever a final plan or section thereof has been abandoned as provided in this section, no development shall take place on the property until a new development plan has been approved;
4. Sec. 27-469(c)(2) No equipment, material or vehicles, other than operable motor passenger cars, may be kept, parked, stored or displayed closer than twenty-five (25) feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six feet from the street line and not less than three feet in height;
5. Sec. 27-469(c)(3) All accessory materials and products that have been previously used, such as lumber, steel and other metals and concrete products shall be totally screened from view from off the premises. Yards for junk, inoperable vehicles, or salvage storage are not permitted in this district;
6. The existing slope and vegetation on the western and south property lines shall be preserved and enhanced as the residences will be in plain view of the laydown yard and future building site. This tree line effectively screens

the laydown area and future building site from the single-family homes to the west. The applicant has stated that the existing slope and trees along the south and west lines have been left in place above the proposed retaining walls;

7. Sec. 27-700(b)(3) A buffer area shall be provided alongside and rear property lines common to or across an alley from residentially zoned property and shall consist of an area fifteen (15) feet in width improved with a six (6) foot architectural screen (wood or metal privacy fence with masonry columns every 32 feet running) adjacent to the property line and one (1) row of shade trees not spaces more than forty (40) feet on center and one row of large shrubs spaced not more than eight feet on center. The landscaping on the south and west property line shall be enhanced to meet this code.

In order to ensure that the residences are protected from having to look down on the storage yard and industrial building (future), the privacy fence with masonry columns every thirty-two (32) feet running shall be installed between the retaining wall and the existing vegetation (abutting the property lines) on the south and west slopes;

8. Significant landscaping shall be installed behind the residences on the western property line that currently have overgrown vegetation against the fence line;
9. Street trees along Shearer Road shall be installed during construction of the laydown storage area;
10. Sec. 27-469(c)(1)d. No use shall be permitted or so operated as to produce or emit: Noise greater than 80 decibels at repeated intervals for a sustained length of time at any point on the property line or noise which causes the day-night level average to exceed 65 decibels for any residence for a sustained period;
11. All lighting, whether mounted on the building or installed in the parking lot shall be hooded or controlled to direct light 90-degrees downward. No light may cast light or glare off the property or onto the public street. In addition to vertical glare, lighting may not cast horizontally on adjacent properties; and,
12. The laydown area may be asphalt millings, however the drive aisles to get to the storage pads must be paved with concrete or asphalt. The entire parcel, not including ground cover and storm water detention cannot be wholly covered with asphalt millings.

Sec. 27-675(a) All parking, loading and maneuvering areas except those serving single-family dwellings or agricultural uses shall be graded and surfaced with a permanent bituminous or concrete pavement. The minimum such surface shall be two (2) inches of asphalt over six (6) inches of compacted gravel. The Unified Government Engineer shall determine acceptable alternatives. All parking spaces shall be clearly marked. All improvements shall be designed and constructed as necessary to prevent dust, erosion, excessive water flow across streets or adjoining property, and to control traffic. A less but dust-free standard of improvement may be permitted by the Unified Government Engineer for industrial storage yards used exclusively for inoperable vehicles, parts, building materials, supplies

and equipment of heavy construction equipment and not for parking, loading or maneuvering.

The accepted and approved alternative by the Planning and Urban Design and Public Works Departments is asphalt millings for storage laydown pads for the explicit placement of equipment and materials, whereas the drive aisles that lead to these pads shall be paved with either concrete or asphalt. This standard precedes the current Director of Planning and Urban Design and Public Works County Engineer dating back to the late 2000s.



Figure 1. Aerial Photograph for 4605 Shearer Road (provided by UG Maps).

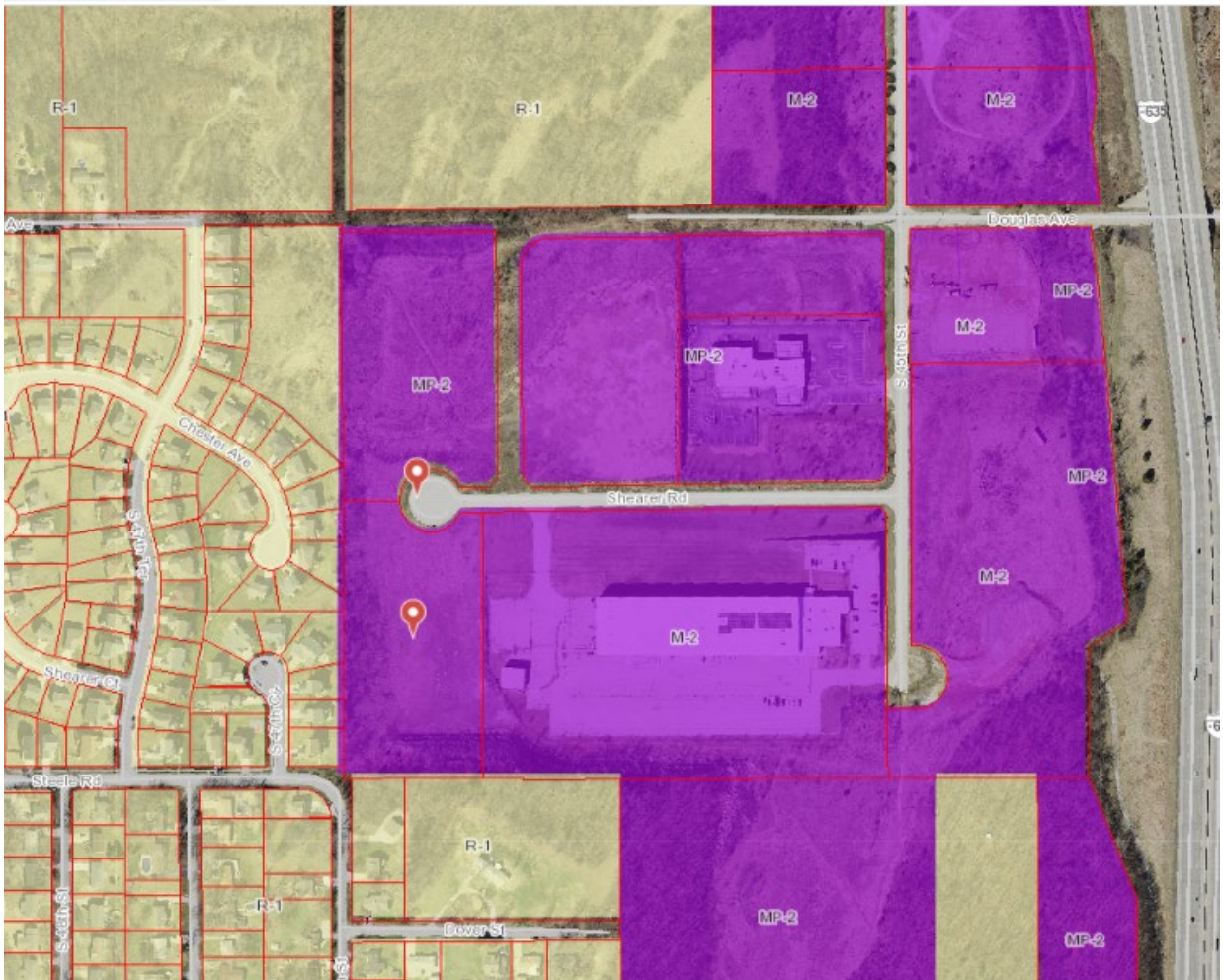


Figure 2. Zoning Map of 4605 Shearer Road (provided by UG Maps).

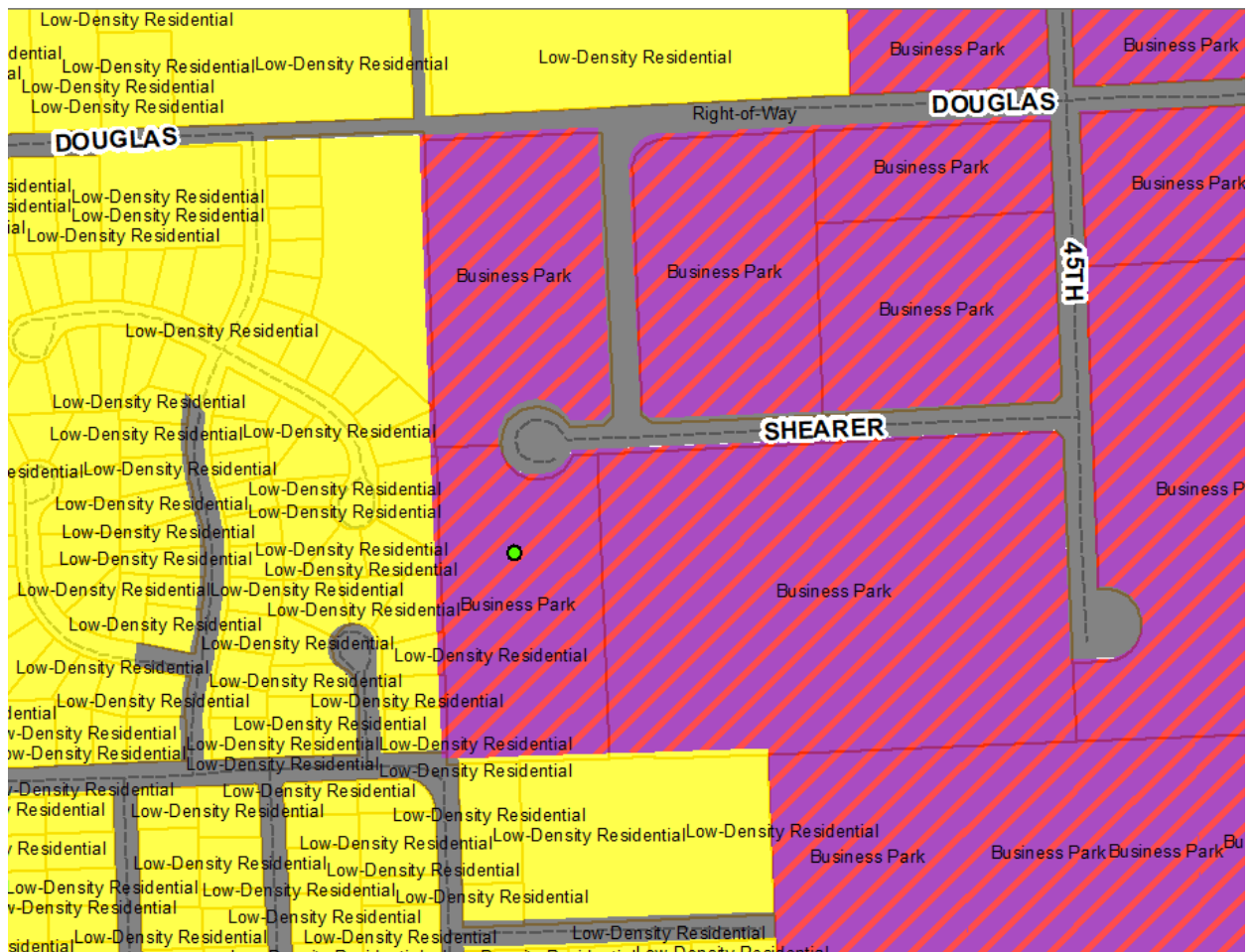


Figure 3. City-Wide Master Plan Land Use Map (provided by ArcMap).

July 22, 2021

1421 E. 104th Street
Suite 100
Kansas City, Missouri 64131
(816) 333-4477 Office

cfse.com

Other Offices:
Kansas City, Kansas
Lawrence, Kansas
Holton, Kansas
Topeka, Kansas
Springfield, Missouri
Jefferson City, Missouri

Unified Government of Wyandotte County
Planning and Urban Design
701 N. 7th Street, Room 423
Kansas City, Kansas 66101

Attn: Byron Toy, AICP

RE: Petition PR2021-020

Dear Byron:

The following are in response to the comments in your draft Staff report for the above referenced project.

Planning and Urban Design Comments:

1. Submit building elevations for the 30,000 square foot building. Building elevations are a submittal requirement for the Preliminary Development Plan.

Building elevations are included in submittal

2. The 30,000 square foot office and warehouse building will require its own Final Development Plan.

Noted

3. The exterior portion of the building where the office is located shall comply with the Commercial Design Guidelines.

Noted

4. What is the anticipated timeline for the laydown area to be used before the 30,000 square foot building is constructed? Sec. 27-211(j) In the event that a plan or section thereof is given final approval and thereafter the landowner shall abandon said plan or a section thereof and shall so notify the Unified Government in writing, or in the event the landowner shall fail to commence, as evidenced by receipt of building permits and start of construction, the planned development within 18 months after final approval has been granted or in the case of subsequent phases each shall be initiated within 24 months of issuance of a certificate of occupancy on the entire preceding phase or the plan will be considered abandoned, then in either event such a final approval shall terminate and shall be deemed null and void unless such time period is extended by the Planning Commission upon written application by the landowner. Wherever a final plan or section thereof has been abandoned as provided in this section, no development shall take place on the property until a new development plan has been approved.

Timeline for building construction has not yet been determined. UG timelines are noted.

Board of Directors:
Kenneth M. Blair, P.E.
Kevin K. Holland, P.E.
Daniel W. Holloway, P.E.
Lance W. Scott, P.E.
Sabin A. Yañez, P.E.

Senior Associates:
Aaron J. Gaspers, P.E.
Michelle L. Mahoney, P.E.
Michael J. Morrissey, P.E.
Todd R. Polk, P.E.
Lucas W. Williams, P.E.

Associates:
Adam M. McEachron, P.E.
Gene E. Petersen, P.E.
Jimmy L. Adams, CWI

5. Sec. 27-469(c)(2) No equipment, material or vehicles, other than operable motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six feet from the street line and not less than three feet in height.

Noted

6. Sec. 27-469(c)(3) All accessory materials and products that have been previously used, such as lumber, steel and other metals and concrete products shall be totally screened from view from off the premises. Yards for junk, inoperable vehicles, or salvage storage are not permitted in this district.

Noted

7. The existing slope and vegetation on the western and south property lines shall be preserved, enhanced and not removed during the site grading process as the residences will be in plain view of the laydown yard and future building site. This tree line effectively screens the laydown area and future building site from the single-family homes to the west with the exception of the two (2) residences as depicted in the site photograph.

Existing slope and vegetation (trees) along the south and west lines have been left in place above the proposed retaining walls. Ground cover will be enhanced with natives grasses as shown on the landscape plan.

8. Sec. 27-700(b)(3) A buffer area shall be provided along side and rear property lines common to or across an alley from residentially zoned property and shall consist of an area 15 feet in width improved with a six (6) foot architectural screen (wood or metal privacy fence with masonry columns every 32 feet on center) adjacent to the property line and one row of shade trees not spaces more than 40 feet on center and one row of large shrubs spaced not more than eight feet on center. The landscaping on the south and west property line shall be enhanced to meet this code.

A 6' Masonry fence is shown on Sheet C4, FDP Site Plan. A Masonry fence meets the definition of architectural screen per Sec. 27-696

9. Significant landscaping shall be installed behind the residences on the western property line that currently have overgrown vegetation against the fence line.

Noted. See landscape plan.

10. Provide a cross section of the sight lines from the residences to the west and south?

Cross section Sheet C6 has been added to the submittal.

11. To maintain the slope against the west and south property line, a retaining wall may be necessary. If a retaining wall is necessary for the laydown area, retaining wall calculations are required to be submitted as part of this application. If the wall will be built with the building, calculations shall be submitted as part of the Final Development Plan.

A retaining wall is not necessary for the laydown area. Refer to FDP grading plan. At such time that building plans are submitted for FDP, retaining wall calculations will be included.

12. An eight (8) foot privacy fence (wood or metal panel) with masonry columns every 32 feet on center shall constructed along the south and west property line (abutting residential zoned property).

A 6' Masonry fence is shown on Sheet C4, FDP Site Plan.

13. What is the noise level?

- a. Sec. 27-469(c)(1)d. No use shall be permitted or so operated as to produce or emit: Noise greater than 80 decibels at repeated intervals for a sustained length of time at any point on the property line or noise which causes the day-night level average to exceed 65 decibels for any residence for a sustained period.

Noise level will not exceed 80 decibels at repeated intervals for a sustained length of time at any point on the property line or noise which causes the day-night level average to exceed 65 decibels for any residence for a sustained period.

14. What are the hours of operation?

To be determined.

15. How will lighting be mitigated?

- a. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one foot candle as measured from said property line.

Lighting shall meet the requirements of Sec. 27-700(b)(9). See Sheet E1, Lighting plan.

16. The laydown area may be asphalt millings, however the drive aisles to get to the storage pads must be paved with concrete or asphalt. The entire parcel, not including ground cover and storm water detention cannot be wholly covered with asphalt millings.

The owner requests that the laydown area is wholly covered with asphalt millings, tenants do not want paved drive aisles. Paved drive aisles at laydown areas do not last very long and will rarely be used. Laydown areas need to be flexible.

17. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sec. 8-610 through Sec. 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.

Noted

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
 - 2) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
- B) Items that are conditions of approval:
 - 1) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

Noted

Please call or email if you have any questions or comments.

Respectfully,

Cook Flatt & Strobel Engineers, P.A.



Lance W. Scott, P.E.
Vice President

Mike Sanders

From: Dana Jordan
Sent: Monday, November 9, 2020 5:25 AM
To: Mike Sanders
Subject: FW: Construction

Here is some feedback from the neighborhood meeting.

Dana Jordan



913-681-9050 (Office)
913-202-8902 (Cell)
danajordan@wecutkc.com

From: krismac0511@gmail.com <krismac0511@gmail.com>
Sent: Friday, November 6, 2020 7:17 PM
To: Dana Jordan <dana.jordan@wecutkc.com>
Subject: Construction

Thank you for the information about the New project. It's nice to see it get developed and use out of it. Looking forward to the progress of the neighborhood

Sent from my iPhone

AFFIDAVIT – NIEGHBORHOOD MEETING:

STATE OF KANSAS)
) ss:
COUNTY OF WYANDOTTE)

Comes now Nampara Properties LLC, by and through Michael D. Sanders (collectively known as "Petitioner"), being of lawful age, sound mind and upon his oath, and states as follows:

1. That Nampara Properties LLC is the Petitioner, and I am the Managing Member for said entity, regarding Petition # PR-2021-19, and PR-2021-20.

2. That Petitioner conducted a neighborhood meeting via, inter alia, telephone and email on or between June 20, 2021, and June 30, 2021, concerning the properties at the listed addresses: 4605 Shearer Road, and 4501 Douglas. Petitioner, at their business, was open to receive telephone calls and emails.

3. Pursuant to (2) above, Nampara received one phone call from Jim Ferree who lives on or at 1901 47th street, phone number (913)526-7137. Mr. Ferree's questions did not relate to the project and concerned a neighbor's property on Douglas wherein the neighbor was expressing interest in building a "3,000 sq ft garage."

4. Attached is a copy of the notice(s) mailed to the property owners based upon on the list that was provided by the Urban Planning and Land Use Department.

5. Petitioner previously received an email from a neighboring property owner krismac0511@gmail.com stating, in essence, that they were "looking forward" to the area being developed and it being used.

Further Affiant saith not.


Nampara Properties LLC, Affiant
By: Michael D. Sanders

ACKNOWLEDGEMENT BY INDIVIDUAL

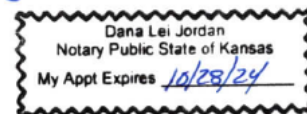
STATE OF KANSAS)
COUNTY OF WYANDOTTE) ss.

On the 8th day of July, 2021, before me personally appeared the following: Nampara Properties LLC by and through its Managing Member Michael D. Sanders, all to me known to be the person/persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

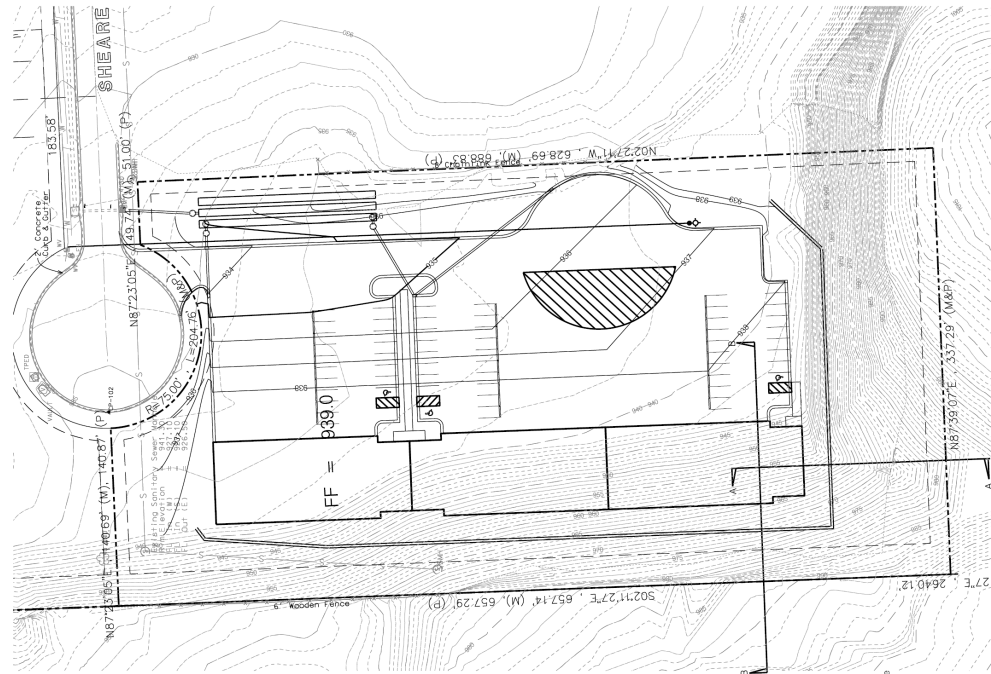
My term expires: 10/28/24  Notary Public

1





PRELIMINARY DEVELOPMENT PLAN PRECISION LOT 4, MELROSE BUSINESS PARK PHASE II



NOTE:
See sheet C6 for Site
Line Sections



GRAVING NOTES
THE CONTRACTOR SHALL OBTAIN ALL PERMITS INCLUDING EROSION CONTROL, EARTHWORK, AND PUBLIC WORKS DEPARTMENT RIGHT OF WAY HAVING LAND DISTURBANCE, ETC. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FOR THE COMPLETION OF EARTHWORK AS SHOWN AND FOR THE REMOVAL OF EXISTING MATERIAL AND WASTE MATERIAL OFF OF THE SITE.
EXISTING AND PROPOSED CONTOURS ARE SHOWN AT ONE FOOT INTERVALS AND ARE REFERENCED TO THE ADJACENT ELEVATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR FINISH GRADE FOR TOP OF CURB, SIDEWALKS, DRIVEWAYS, AND OTHER AREAS OTHERWISE SHOWN REFER TO TYPICAL SECTIONS FOR ADJUST FOR GRAVING LINE ELEVATIONS.
AREAS OF PROPOSED CONSTRUCTION SHALL BE STRIPPED OF ALL VEGETATION AND TOPSOIL TO A DEPTH OF SIX INCHES. THE TOPSOIL SHALL BE STOCKPILED FOR REUSE ON THE SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL EXISTING STRUCTURAL FILL IN BUILDING AND PAVEMENT AREAS.
TESTING AND INSPECTION OF EARTHWORK SHALL BE PROVIDED BY A TESTING LABORATORY SELECTED BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF TESTING.
THE CONTRACTOR SHALL BE RESPONSIBLE TO FIELD ADJUST THE TOPSOIL TO THE MANHOLE AND MANHOLE ADJACENT AREAS, AS NECESSARY TO MAINTAIN THE PROPOSED FINISH GRADE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAKING FINAL ADJUSTMENTS TO MANHOLES AND BOXES.
REMOVE FROM THE SITE MATERIAL ENCOUNTERED IN EXISTING OR PROPOSED CONSTRUCTION. UNDESIRABLE MATERIAL SHALL BE REMOVED FROM THE SITE IN A MANNER SATISFACTORY TO THE ENGINEER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DISPOSAL OF ALL MATERIAL ENCOUNTERED IN EXISTING OR PROPOSED CONSTRUCTION.
UNLESS OTHERWISE INDICATED ON THE DRAWINGS, REMOVE TREES, SHRUBS, GRASS, OTHER VEGETATION, AND ALL OTHER OBSTRUCTIONS TO CONSTRUCTION WITHIN THE BOUNDARIES OF THE LOT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL MATERIAL ENCOUNTERED IN EXISTING OR PROPOSED CONSTRUCTION.
STRIP TOPSOIL TO WHATEVER DEPTHS ENCOUNTERED TO OTHER OBJECTS. MATERIAL CUT HEAVY GROWTHS SHALL BE REMOVED FROM THE SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DISPOSAL OF ALL MATERIAL ENCOUNTERED IN EXISTING OR PROPOSED CONSTRUCTION.
TOPSOIL IS RECOMMENDED TO BE STOCKPILED IN LUMPS, STONES, AND OTHER OBJECTS OVER 1" IN SIZE, AND OTHER OBJECTS, AND OTHER OBJECTS.
STOCKPILE TOPSOIL IN STORAGE PILES IN AREAS SHOWN ON THE DRAWINGS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL MATERIAL ENCOUNTERED IN EXISTING OR PROPOSED CONSTRUCTION.
IF REQUIRED TO PREVENT WINDBLOWN DUST, DISPOSE OF MATERIAL FROM THE SITE BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DISPOSAL OF ALL MATERIAL ENCOUNTERED IN EXISTING OR PROPOSED CONSTRUCTION.
DRAWINGS, SEED STOCKPILE AREA WITH TEMPORARY SEED AREA SPECIFICATIONS.
COMPLETELY REMOVE STUMPS, ROOTS, AND OTHER DEBRIS FROM THE SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL MATERIAL ENCOUNTERED IN EXISTING OR PROPOSED CONSTRUCTION.
UNLESS FURTHER EXCAVATION OR EARTHWORK IS REQUIRED, REMOVE EXISTING SOIL ABOVE AND BELOW GRADE IMPROVEMENTS AND ABANDON UNDERGROUND PIPING OR OTHER WORK.
ALL GRAVING SHALL COMPLY WITH THE USGS TECHNICAL SPECIFICATIONS FOR GRAVING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL MATERIAL ENCOUNTERED IN EXISTING OR PROPOSED CONSTRUCTION.
THE CONTRACTOR SHALL PROVIDE EROSION CONTROL IN ACCORDANCE WITH THE APPROVED LAND DISTURBANCE PLAN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL MATERIAL ENCOUNTERED IN EXISTING OR PROPOSED CONSTRUCTION.
WYANDOTTE COUNTY, KANSAS.



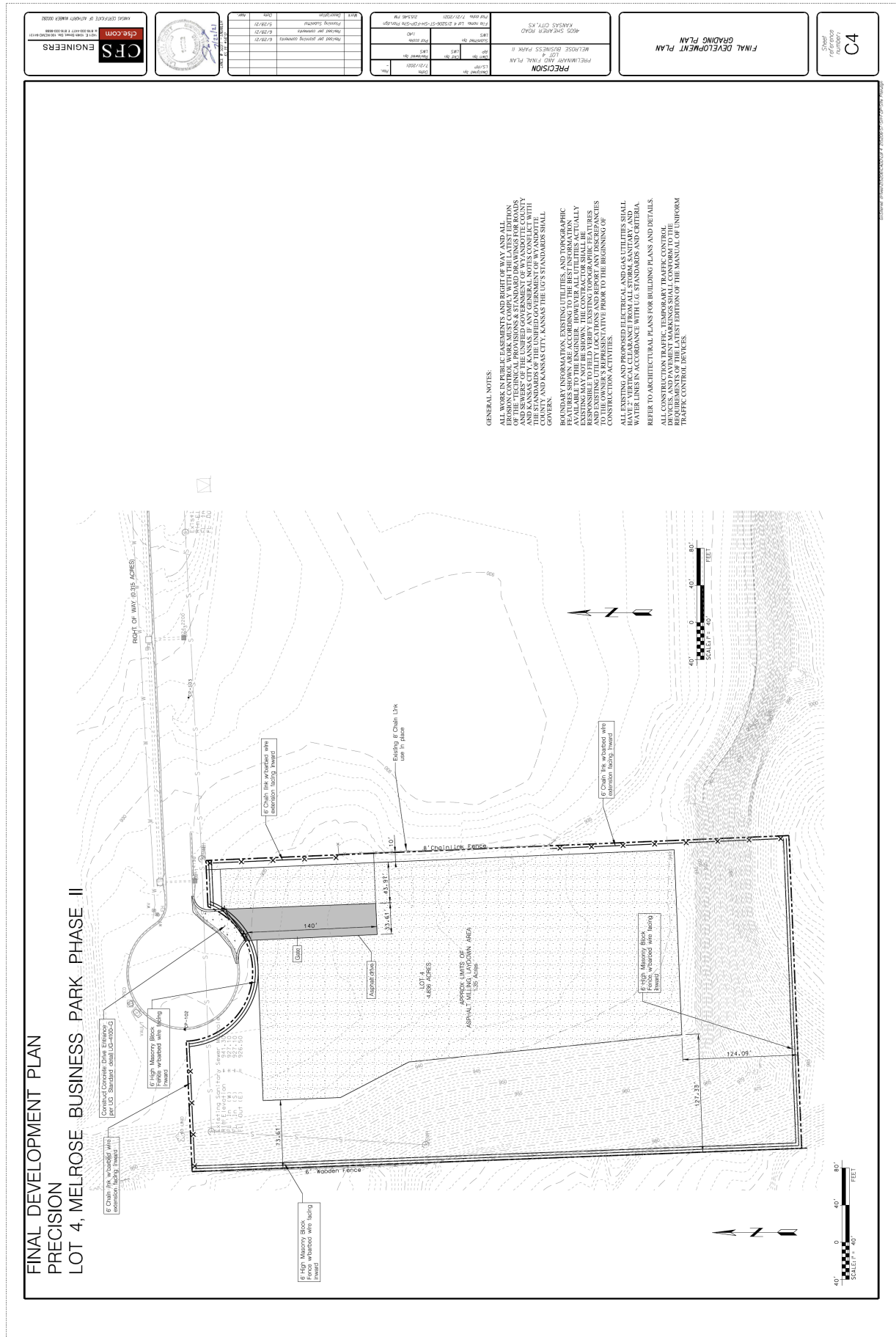
DATE	DESCRIPTION
6/1/2021	Revised per meeting comments
6/1/2021	Revised per meeting comments
6/1/2021	Revised per meeting comments

PRECISION	LOT 4, MELROSE BUSINESS PARK PHASE II
PROJECT NO.	2021-020
DATE	8/26/2021
BY	JD
CHECKED BY	JD
DATE	8/26/2021

PRECISION
LOT 4, MELROSE BUSINESS PARK PHASE II
KANSAS CITY, KS
8000 SHEAFER ROAD
KANSAS CITY, MO 64114

PRELIMINARY DEVELOPMENT PLAN &
PRELIMINARY PLAT
GRAVING PLAN

Sheet
reference
number
8



[illegible][illegible]

The existing slopes and vegetation on the western and south property lines shall be preserved, enhanced and not removed during the site grading process. The same standards will be in plain view of the updown yard and future building setbacks.

Section 27.06.03(X) A buffer area shall be provided along side and near property lines as follows:

- a. An area 15 feet wide improved with a six (6) foot architectural concrete sidewalk or metal paving with manhole covers every 32 feet on center (wood or other material and one row of large shrubs spaced no more than eight feet apart).
- b. An area 15 feet wide improved with a six (6) foot architectural concrete sidewalk or metal paving with manhole covers every 32 feet on center. The landscaping on the south and west property line shall be enhanced to meet this code.

SOUTH CALCULATION: SOUTH PROPERTY LINE IS 6,398 FEET LONG
SOUTH SIDE OF THE LOT IS 1,337' ON CENTER OF SHRUBS + 43 SHRUBS PROVIDED

WEST CALCULATION: WEST PROPERTY LINE IS 568 FEET LONG
WEST SIDE OF THE LOT IS 1,137' ON CENTER OF SHRUBS + 28 SHRUBS PROVIDED
EAST CALCULATION: EAST PROPERTY LINE IS 1,765 FEET LONG
EAST SIDE OF THE LOT IS 1,765' ON CENTER OF SHRUBS + 55 SHRUBS PROVIDED

1. ALL WORK SHALL BE COORDINATED WITH THE WORK OF OTHER TRADES.
2. THE CONTRACTOR SHALL LOCATE AND VERIFY ALL EXISTING AND NEW UTILITY LOCATIONS PRIOR TO PLANTING AND SHALL MAINTAIN THE EXISTING UTILITY LOCATIONS THROUGHOUT THE PROJECT. ANY DAMAGE TO UTILITIES ON OTHER SITE IMPROVEMENTS CAUSED BY THE CONTRACTOR WILL BE THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHALL PROVIDE EXISTING UTILITY LOCATIONS AND EXTERNAL LIGHTING LOCATIONS.
3. THE CONTRACTOR SHALL KEEP ROOT BALLS INTACT PRIOR TO AND DURING PLANTING OPERATIONS. PLANTS WITH BROKEN OR DAMAGED ROOT BALLS SHALL BE REPLANTED IMMEDIATELY REMOVED FROM THE SITE. KEEP ROOT BALLS DAMP AND PROTECTED FROM DAMAGE DUE TO WIND AND SUN. DO NOT REMOVE ROOT BALLS FROM THE ENTIRE TOP AND 2/3 OF SIDES OF ROOT BALLS PRIOR TO INSTALLATION.
4. THE OWNER RESERVES THE RIGHT TO SUBSTITUTE PLANT MATERIALS WITH EQUIVARIANT PLANT MATERIALS WITHOUT NOTICE. THE CONTRACTOR SHALL BE PROMPTLY NOTIFIED TO SUBSTITUTE PLANT MATERIAL WITHOUT WRITTEN APPROVAL OF THE OWNER.
5. THE OWNER'S REPRESENTATIVE RESERVES THE RIGHT TO REJECT ANY PLANT MATERIAL NOT CONFORMING TO THE SPECIFICATIONS.
6. ALL PLANT MATERIAL MUST CONFORM TO THE AMERICAN STANDARD FOR GROWING AND TESTING OF PLANTS (ASTA) PUBLISHED BY THE ANJAS AND ZOO 1. THIS IS A REPRESENTATIVE GUIDELINE SPECIFICATION ONLY AND WILL CONSTITUTE MINIMUM QUALITY REQUIREMENTS FOR THE PLANT MATERIAL.
7. LARGER SIZE PLANT MATERIALS OF THE SPECIES LISTED MAY BE SUBSTITUTED WITH EQUIVARIANT PLANT MATERIALS. THE OWNER'S REPRESENTATIVE WILL BE APPROVED IN WRITING BY THE OWNER'S REPRESENTATIVE.
8. ANY MATERIAL, WHICH DIES, OR DEFOLIATES PRIOR TO REPLANTING FREE OF CHARGE.
9. ALL PLANT MATERIAL SHALL BE GUARANTEED TO BE IN USE AND HEALTHY CONDITION FOR ONE FULL YEAR AFTER FINAL PROJECT COMPLETION OR SHALL BE REPLACED FREE OF CHARGE WITH SAME GRADE AND SPECIES.
10. THE LOCATION OF PLANT MATERIAL IS CRITICAL AND SHALL BE DETERMINED BY THE OWNER'S REPRESENTATIVE. THE CONTRACTOR SHALL OBTAIN APPROVAL OF OWNER'S REPRESENTATIVE PRIOR TO REPLANTING OF ANY PLANT MATERIAL.
11. THE CONTRACTOR SHALL REMOVE ALL PLANT MATERIAL, CONSTRUCTION DEBRIS AND MATERIALS DOWNTOWN TO PLANT GROWTH FROM PLANTING PITS AND BEDS PRIOR TO BACKFILLING WITH PLANTING MIX.
12. THE LANDSCAPE CONTRACTOR SHALL TEST PROPOSED PLANTING MIXTURES AND SOILS TO DETERMINE THE BEST PLANTING MIXTURE, TEXTURE AND STRUCTURE. BASED ON THE RESULTS OF THIS TESTING, THE LANDSCAPE CONTRACTOR SHALL PROVIDE FERTILIZER, SAND, COMPOST ETC. AS NECESSARY TO DEVELOP A PLANT GROWING MEDIUM OF ADEQUATE FERTILITY. STRUCTURE, TEXTURE AND COMPOSITION OF LANDSCAPE MATERIALS MUST BE ACCEPTABLE.
13. THE LANDSCAPE CONTRACTOR SHALL REMOVE FROM THE SITE ALL ROCK GREATER THAN 1-INCH AND ALL DEBRIS IN THE AREAS OF PROPOSED NEW PLANTINGS.
14. REMOVE AND DISPOSE OF ALL PLANT MATERIAL ON PROJECT GROUND COVER NOT BUT NOT LIMITED TO TURF, SHRUBS, AND GRASS.
15. CONTRACTOR FOR MAINTENANCE PERIOD. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR COMPLETELY MAINTAINING HIS SCOPE OF WORK UNTIL FINAL ACCEPTANCE OF THE WORK BY THE OWNER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL INCLUDE, BUT IS NOT LIMITED TO: WATERING, MULCHING, WEEDING, SPRAYING, WEEDING, AND FERTILIZING PLANTING AND TURF AREAS.
16. IT SHALL BE THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR TO OBTAIN ALL NECESSARY PERMITS AND INFORMATION AS A GUIDE TO THE MAINTENANCE OF ALL PLANTS IN THIS PLAN FOR OPTIMUM GROWTH AND VIGOR.
17. OWNER MAINTENANCE. THE OWNER SHALL PROVIDE FOR THE MAINTENANCE OF PLANTINGS FOR THE COMING YEAR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE WORK.
18. CONTRACTOR WARRANTY PERIOD. PER THE CITY OF STAFFORD REQUIREMENT, THE CONTRACTOR SHALL GUARANTEE THE THE MAINTENANCE OF THIS PLAN FOR ONE (1) YEAR FROM NOTICE OF OCCUPANCY.

Sheet
reference
number:

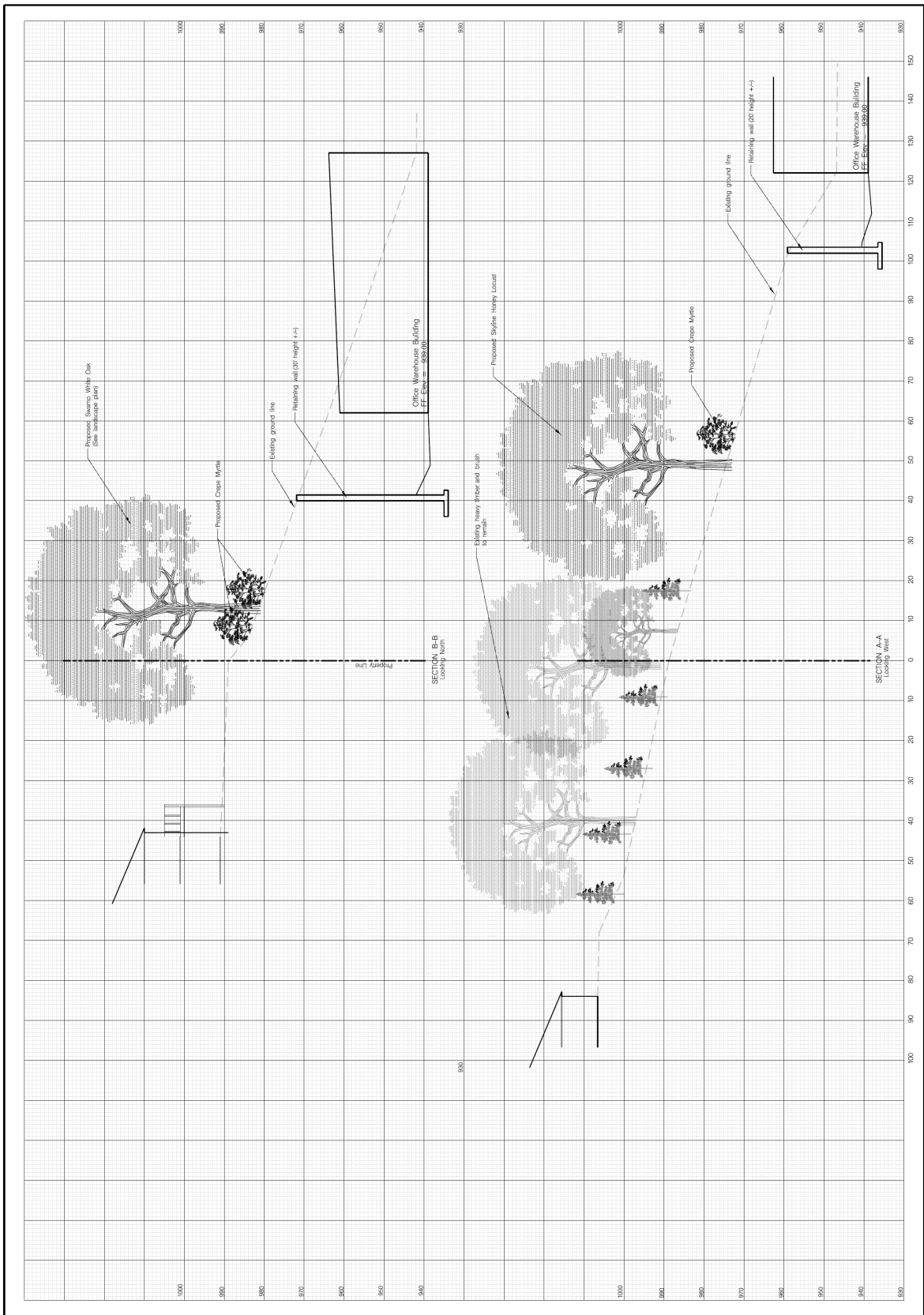
PRELIMINARY DEVELOPMENT PLAN
LANDSCAPE PLAN

LOT 4
ROSE BUSINESS PARK
605 SHEARER ROAD
KANSAS CITY, KS

Assigned by:	LMS	
Class by:	LMS	
Reviewed by:	LMS	
Plot scale:	1" = 40' = 0"	

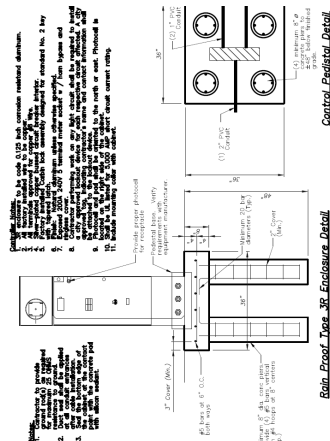
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CFS ENGINEERS
1421 E 10th Street, Ste. 300, Kansas City, MO 64103
(816) 333-4477 or (816) 333-0088
KANSAS CERTIFICATE OF AUTHORITY NUMBER 000000



A. ALL WORK SHALL BE COORDINATED WITH THE WORK OF OTHER TRADES.
B. THE CONTRACTOR SHALL VERIFY THE LOCATIONS OF ALL POWER AND COMMUNICATION CIRCUITS PRIOR TO CONSTRUCTION. POWER IS MOST LIKELY 2 AMP SERVICE.

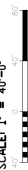
- 1) ROUTE POWER FROM JUNCTION POWER POLE TO UNDER-SIDE WATER LAYOUT, AGGREGATE SURFACES
- 2) THE ENTIRE CIRCUIT SHOULD BE W/ AGC TO MATCH POWER SUPPLY.
- 3) THE ENTIRE CIRCUIT SHOULD BE 1/4" GROUND WIRE.
- 4) INSTALL A LIGHT SENSOR NEAR ELECTRIC METER AND NEW WATERPROOF ELECTRICAL PANEL. COORDINATE LOCATION OF ALL ELECTRICAL CONDUIT WITH ELECTRICAL PANEL.
- 5) THE CONTRACTOR SHALL LOCATE AND VERIFY ALL EXISTING AND NEW UTILITY LOCATIONS PRIOR TO CONSTRUCTION, AND SHALL REPORT ANY UTILITY CONFLICTS TO THE OWNER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY IMPROVEMENTS CAUSED BY THE CONTRACTOR WILL BE REPAIRED AT NO COST TO THE OWNER.
- 6) INSTALL POLES ON 24" TALL ABOVE GRADE CONCRETE FOOTINGS. COMBINED ALL POLES SHALL BE DRILLED AND GROUTED. ALL CONDUIT SHALL BE INSTALLED INSIDE PROTECTIVE 2" MIN. DIAMETER PVC CONDUIT WITH LONG-SIDE
- 7) THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING A FULL FUNCTIONAL SYSTEM ALL COORDINATION WITH ENERGY INCLUDING FEES, PERMITS, MATERIALS AND F
- 8) WORK TO SAFELY CONNECT ELECTRICAL POWER AND EXTEND TO THE CONDUIT
- 9) THE CONTRACTOR SHALL SUBMIT A WIRING AND CONDUIT PLAN, SIGNED AND SE

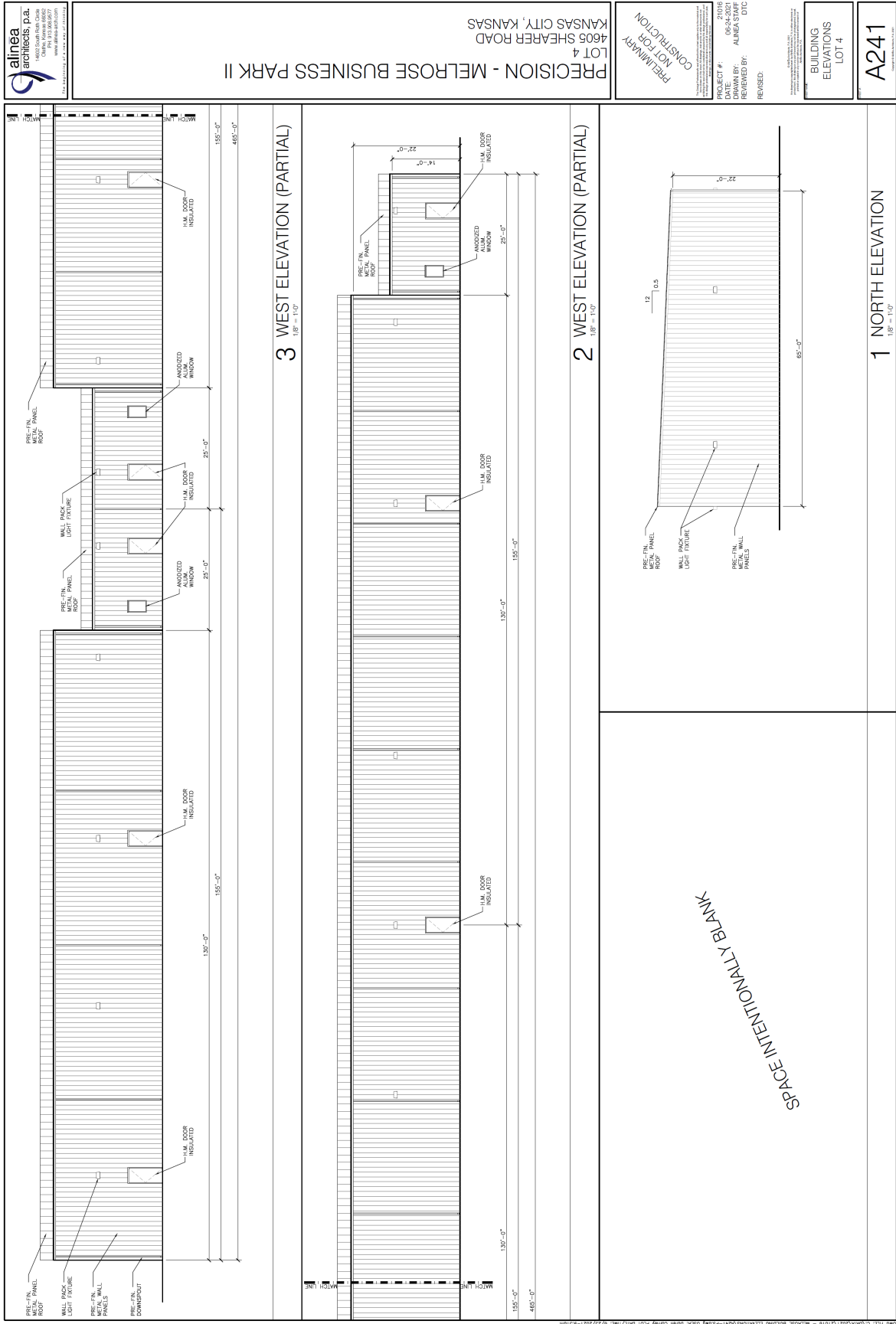


LIGHTING SCHEDULE

TYPE	MFRS	OUTPUT	VOLTS / MAX WATTAGE	QTY	DESCRIPTION
S1	EATON	19,500 LUMENS	240 V LED / 170 W	3	GLEON-AF-03-LED-E1-5MG, DOUBLE HEAD - TYPE V SPREAD, 20' POLE, 2" TALL X 2" DIA CONCRETE BASE, TGIC POLYESTER POWDER COAT PAINT SELECTED FROM MFR'S STANDARD COLORS.
S4	EATON	17,650 LUMENS	240 V LED / 170 W	0	GLEON-AF-03-LED-E1-S4, SINGLE HEAD - TYPE IV SPILL LIGHT, 20' POLE, 2" TALL X 2" DIA CONCRETE BASE, TGIC POLYESTER POWDER COAT PAINT SELECTED FROM MFR'S STANDARD COLORS.
POLES				3	20' TALL, ROUND CAST ALUMINUM, COLOR TO MATCH LUMINAIRE AND TO MEET THE REQUIREMENTS OF THE LUMINAIRE MANUFACTURER.

1 LIGHTING PLAN
SCALE: 1" = 40'-





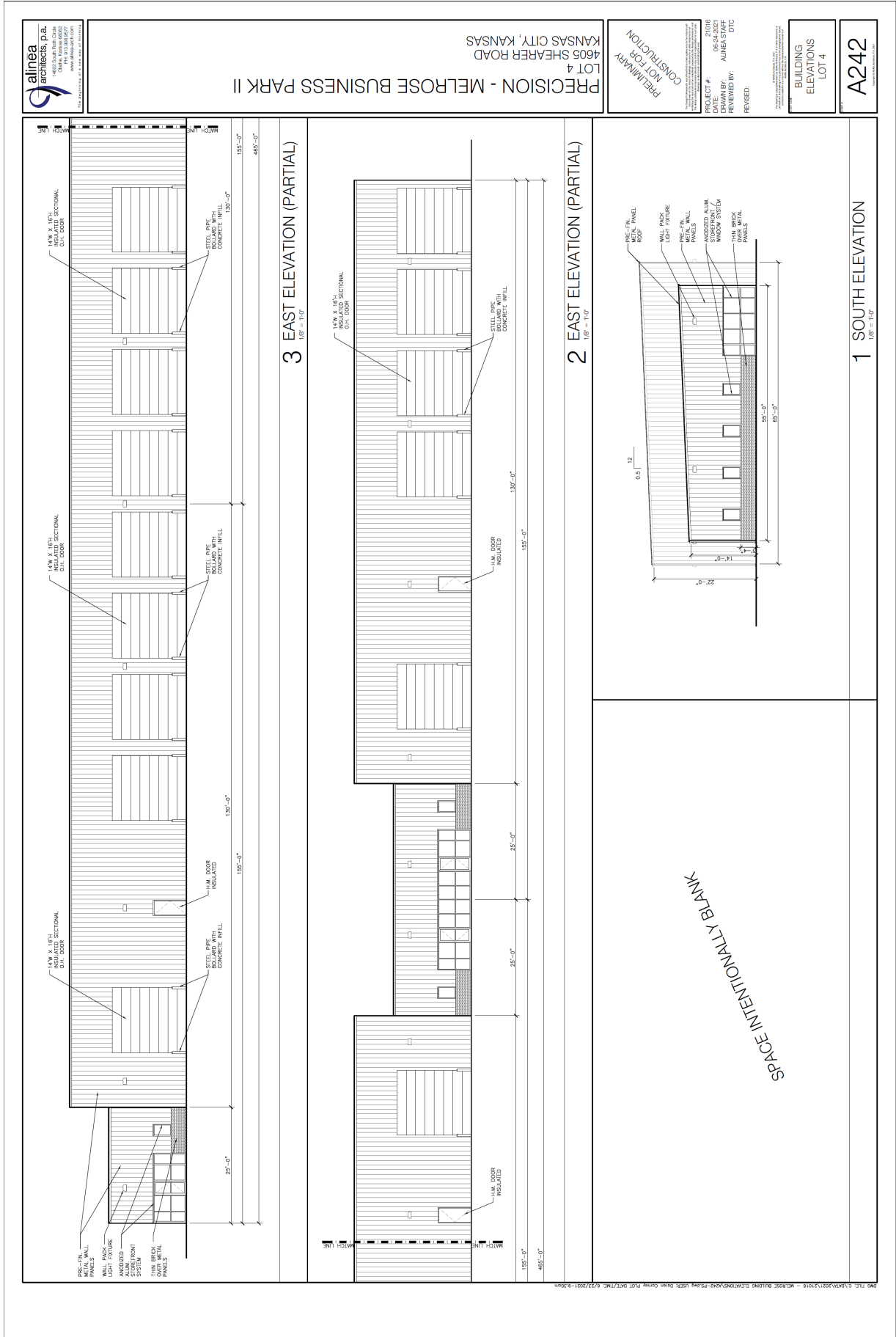




Figure 1. Site Photograph of 4605 Shearer Road (provided by Staff).



Figure 2. Site Photograph of 4605 Shearer Road (provided by Staff).



Figure 3. Photograph of 4605 Shearer Road (provided by Staff).



Figure 4. Site Photograph of 4605 Shearer Road (provided by Staff).

(First published _____)

COZ2021-014

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 88 South 7th Street Trafficway in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family District to R-2(B) Two Family District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on April 16, 2021, by the owners of property to have the zoning of said property changed from its present zoning of R-1(B) Single Family District to R-2(B) Two Family District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

SEC/TWN/RNG/MER:SEC 15 TWN 11S RNG 25E GRANDVIEW ADD,
S15, T11, R25, ACRES 0.07, S 10FT L16, ALSO 20FT ADJACENT ON S,
Located at approximately 88 South 7th Street, Kansas City, Kansas,

be changed from its present zoning of R-1(B) Single Family District to R-2(B) Two Family District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for R-2(B) Two Family District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2021.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

(First published _____)

COZ2021-010

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 2716 and 2718 South 53rd Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to RP-2 Planned Two Family District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on March 25, 2021, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family District to RP-2 Planned Two Family District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

LOT 1, INDIAN RIDGE, A SUBDIVISION OF LAND IN KANSAS CITY,
WYANDOTTE COUNTY, KANSAS, Located at 2716 and 2718 South 53rd
Street, Kansas City, Kansas,

be changed from its present zoning of R-1 Single Family District to RP-2 Planned Two Family District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-456, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Urban Planning and Land Use Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for RP-2 Planned Two Family District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2021.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

(First published _____)

COZ2021-008

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 3860 Bell Crossing Drive in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on March 26 2021, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family District to A-G Agriculture District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

BEG 285FT N OF SW COR; E 330FT, S 55FT, E 165FT, S 510.5FT, E
TO BELL CROSSING DR, NLY TO E LN W1/2 SW1/4, N TO BELL CR,
Located at 3860 Bell Crossing Drive, Kansas City, Kansas,

be changed from its present zoning of R-1 Single Family District to A-G Agriculture District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for A-G Agriculture District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2021.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

(Published_____)

VAC2021-005

ORDINANCE NO._____

AN ORDINANCE vacating A tract of land being located in Section 35, Township 10, Range 24, in Kansas City, Wyandotte County, Kansas being more particularly described as follows: Commencing at the Northwest corner of Lot 18, Brenner Heights Acres, a subdivision as recorded in the Office of the Recorder, Wyandotte County, Kansas; thence South 87° 27' 06" West, a distance of 145.02 feet; thence North 01° 33' 38" West, a distance of 217.00 feet; thence South 65' 24' 05" West, a distance of 28.96 feet; thence South 01° 33' 38" East, a distance of 74.86 feet; thence along a curve to the right, tangent to the preceding course, having a radius of 700.00', an arc distance of 131.58 feet; thence North 88° 26' 22" East, a distance of 38.98 feet, returning to the Point of Beginning. Tract contains 6,167.93 sq. ft. Located at approximately 5837 Leavenworth Road, Kansas City, Kansas.

BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. That the following described right-of-way in Kansas City, Kansas be and the same is hereby vacated:

A tract of land being located in Section 35, Township 10, Range 24, in Kansas City, Wyandotte County, Kansas being more particularly described as follows: Commencing at the Northwest corner of Lot 18, Brenner Heights Acres, a subdivision as recorded in the Office of the Recorder, Wyandotte County, Kansas; thence South 87° 27' 06" West, a distance of 145.02 feet; thence North 01° 33' 38" West, a distance of 217.00 feet; thence South 65' 24' 05" West, a distance of 28.96 feet; thence South 01° 33' 38" East, a distance of 74.86 feet; thence along a curve to the right, tangent to the preceding course, having a radius of 700.00', an arc distance of 131.58 feet; thence North 88° 26' 22" East, a distance of 38.98 feet, returning to the Point of Beginning. Tract contains 6,167.93 sq. ft. Located at approximately 5837 Leavenworth Road, Kansas City, Kansas.

Section 2. The City of Kansas City, Kansas, reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing, installing, constructing or reconstructing any public utilities, such as sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the WYANDOTTE COUNTY ECHO.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF
_____, 2021

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

BY:

DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

(Published _____)

VAC2021-007

ORDINANCE NO. _____

AN ORDINANCE vacating a Tract of land being a part of a publicly dedicated alley, to be vacated, bounded on the North by the South lines of Lots 18-22; bounded on the East by the extension of the East line of Lot 22; bounded on the South by the North line of Lot 17; bounded on the West by the extension of the West line of Lot 18, all in Block 3, POTOMAC HEIGHTS, a subdivision in the City of Kansas City, Wyandotte County, Kansas, as surveyed on June 8, 2018, by Steven S. Shafer, LS-852 of BHC, and being more particularly described by metes and bounds as follows: (Note: For course orientation, the bearings in this description are based on the East Right-of-Way line of South Fifth Street, having a bearing of North 02° 12' 23" West, as determined by Global Positioning System observations, and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.) BEGINNING at the Southwest corner of said Lot 18; Thence North 87° 47' 48" East, 125.00 feet, on the South Line of said Lots 18 through 22, to the Southeast corner of said Lot 22; Thence South 02° 12' 23" East, 16.00 feet, on the Southerly prolongation of the East line of said Lot 22, to the Northeast corner of said Lot 17; Thence South 87° 47' 48" West, 125.00 feet, on the North line of said Lot 17, to the Northwest corner of said Lot 17; Thence North 02° 12' 23" West, 16.00 feet, on the Northerly prolongation of the West line of said Lot 17, to the POINT OF BEGINNING, said Tract containing 2,000 square feet or 0.0459 acres. Subject to an easement to all existing utilities. Located at approximately 415 and 417 Stine Avenue, Kansas City, Kansas.

BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. That the following described alley in Kansas City, Kansas be and the same is hereby vacated:

A Tract of land being a part of a publicly dedicated alley, to be vacated, bounded on the North by the South lines of Lots 18-22; bounded on the East by the extension of the East line of Lot 22; bounded on the South by the North line of Lot 17; bounded on the West by the extension of the West line of Lot 18, all in Block 3, POTOMAC HEIGHTS, a subdivision in the City of Kansas City, Wyandotte County, Kansas, as surveyed on June 8, 2018, by Steven S. Shafer, LS-852 of BHC, and being more particularly described by metes and bounds as

follows: (Note: For course orientation, the bearings in this description are based on the East Right-of-Way line of South Fifth Street, having a bearing of North 02° 12' 23" West, as determined by Global Positioning System observations, and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.) BEGINNING at the Southwest corner of said Lot 18; Thence North 87° 47' 48" East, 125.00 feet, on the South Line of said Lots 18 through 22, to the Southeast corner of said Lot 22; Thence South 02° 12' 23" East, 16.00 feet, on the Southerly prolongation of the East line of said Lot 22, to the Northeast corner of said Lot 17; Thence South 87° 47' 48" West, 125.00 feet, on the North line of said Lot 17, to the Northwest corner of said Lot 17; Thence North 02° 12' 23" West, 16.00 feet, on the Northerly prolongation of the West line of said Lot 17, to the POINT OF BEGINNING, said Tract containing 2,000 square feet or 0.0459 acres. Subject to an easement to all existing utilities. Located at approximately 415 and 417 Stine Avenue, Kansas City, Kansas.

Section 2. The City of Kansas City, Kansas, reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing, installing, constructing or reconstructing any public utilities, such as sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the WYANDOTTE COUNTY ECHO.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF
_____, 2021

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

BY:

DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2021-049, commonly known as 1110 Merriam Lane Kansas City, Kansas, legally described as:

A part of Lot 1, ROSEDALE PLACE 2nd PLAT, a subdivision in the City of Kansas City, Wyandotte County, Kansas being more particularly described as follows: Beginning at the Southeast corner of said Lot 1; thence South 53°07'29" West, along the Southeasterly line of said Lot 1, a distance of 233.63 feet; thence North 36°52'31" West, a distance of 120.00 feet to a point on the Northwesterly line of said Lot 1; thence North 53°07'29" East, along said Northwesterly line a distance of 233.63 feet to Northeast corner of said Lot 1 thence South 36°52'31" East along the East line of said Lot 1, a distance of 120.00 feet to the point of beginning. Subject to building lines, conditions, restrictions, and easements of record, if any, and zoning regulations. Also known as: Lot 1-A, Rosedale Place 2nd Plat, a subdivision in Kansas City, Wyandotte County, Kansas, according to Lot Split filed September 14, 2016, as Document No. 2016R12622. Located at approximately 1110 Merriam Lane, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of a performance auto service shop.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter

enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1. Approved conditions of approval from 2020:**
 - a. No more than 17 cars being parked in the parking lot and shall have striped parking spaces.**
 - b. No parking on Stine Avenue or 11th Street.**
 - c. No parking in the middle of the parking lot.**
 - d. Noise level not to exceed 65 decibels with the doors closed.**
 - e. No testing of vehicles on the side streets. Testing must be done from Merriam Lane onto Interstate 635;**
- 2. Special Use Permits are non-transferrable;**
- 3. Sec. 27-467(c)(2) Any making or assembly of products to be sold, including raw materials, and any servicing or repair activities shall be totally within an enclosed building;**
- 4. Sec. 27-467(c)(4) No operation shall produce noise that exceeds 60dB(A) at repeated intervals for a sustained length of time measured at any point on the property line. No use shall cause the day-night noise level average to exceed 65dB(A) for any residence for a sustained period;**
- 5. Per the Business License Division:**
 - a. The business has filed and maintained a current occupation tax application;**
- 6. If conditions are not adhered to, this Special Use Permit may be brought to the Unified Government Board of Commissioners for revocation;**
- 7. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;**
- 8. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;**

9. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations; and,
11. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2021.

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2021-054, commonly known as 3846 and 3848 North 123rd Street, Kansas City, Kansas, legally described as:

Donahoo-One-Twenty-Three, a subdivision of land in Kansas City, Wyandotte County, Kansas, Lot 1, located at approximately 3846 and 3848 North 123rd Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of a Short-Term Rental/AirBnB

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1) **The applicant shall comply with all statements provided and relied upon as condition(s) of approval of SP-2020-30, unless amended in the “Staff Comments and Suggestions” section of this report;**
- 2) **The red brick sidewalk south of the driveway that serves 3846 North 123rd street must be restored so that it connects to the sidewalk on the adjacent parcel to the south. Full restoration of the missing portion of the red brick**

- sidewalk must be completed within six (6) months of approval of the Special Use Permit renewal;
- 3) Six (6)-foot landscape screening must be planted along the south and west boundary lines of the subject property where it has not already been planted;
 - 4) Per Section 27-699(b)(9), any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one (1) foot-candle as measured from said property line;
 - 5) Maximum number of guests shall be six (6);
 - 6) All parking must be off-street, and the maximum number of vehicles at each unit is two (2);
 - 7) The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
 - 8) Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
 - 9) Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: (913) 246-5133, www.hostcompliance.com/tips;
 - 10) According to Sec. 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
 - 11) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. Any illumination that results from use of the parking lot shall not be seen or otherwise impact adjacent residential uses;
 - 12) The applicant must file and maintain a current business occupation tax application and entertainment license;
 - 13) Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only

allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

- 14) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 15) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
- 16) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2021.

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2021-039, commonly known as 4449 Rainbow Boulevard, Kansas City, Kansas, legally described as:

SPRING VALLEY ADD & 0968, S35, T11, R25, ACRES 0.190000, S 1/2 L2, ALL L3, located at approximately 4449 Rainbow Boulevard, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a Short-Term Rental (AirBnB).

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1) **The maximum number of guests shall be four (4);**
- 2) **Guest parking must be provided off-street. Maximum number of guest parking shall be two (2) vehicles;**
- 3) **The front porch steps and south façade shall be repaired prior to the Special Use Permit going into effect;**

- 4) All required landscaping (one (1) row of Evergreens on the north and south side of the property) must be planted prior to the Special Use Permit going into effect;
- 5) Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
- 6) Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
- 7) The applicant must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy. Include the contact information for Host Compliance 913-246-5133. www.hostcompliance.com/tips;
- 8) If issues arise with adjacent property owners and are brought to staff's attention during the term, this Special Use Permit can be submitted to the Board of Commissioners for revocation;
- 9) According to Sec. 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
- 10) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. Any illumination that results from use of the parking lot shall not be seen or otherwise impact adjacent residential uses;
- 11) Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
- 12) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 13) The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for

renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,

- 14) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2021.

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2021-042, commonly known as 734 South 76th Street, Kansas City, Kansas, legally described as:

THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 11, RANGE 24, IN WYANDOTTE COUNTY, KANSAS, LESS THAT PART TAKEN FOR ROADS, located at approximately 734 South 76th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to keep two (2) cows on the property.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1) **While any and all livestock on the property require a Special Use Permit, six (6) chickens are allowed by right, so long as their coop is kept at least 10 feet from the property boundary line and at least 25 feet from any other habitable structure other than the applicant's structures. A conservation**

plan will be developed with the Conservation District defining the number of livestock allowed on the property **(NOTE: Conservation District has determined that two (2) cows are appropriate on this property);**

- 2) This City Planning Commission case is being heard in conjunction with BOZA2021-012. The following are conditions for BOZA2021-012 and are stated here for reference only, as SP2021-042 is solely a Special Use Permit for keeping livestock on a property of less than five (5) acres:
 - a) The variance must meet the following conditions: No more than two (2) accessory structures may be standing at a time, only one (1) accessory structure may exceed 1,000 square feet of total floor space, and such accessory structure may exceed a total floor area of 2,400 square feet;
 - b) More than six (6) chickens requires a Special Use Permit;
 - c) The subject property must be kept free of inoperable vehicles, scrap/junk, or other materials;
 - d) All vehicles must be parked on paved surfaces and all inoperable vehicles must be parked within a covered structure;
 - e) Any additional driveways must be constructed and/or updated to comply with Section 27-575(a). All new or updated portions of the driveways must be paved with two (2) inches of asphalt over six (6) inches of gravel, four (4) inches of concrete, or another alternative as approved by the UG Engineer;
 - f) The conditions of approval for any and all variances as allowed by this Board of Zoning Appeals case BOZA2021-012 will only go into effect when case SP2021-042 is recommended for approval by the City Planning Commission and ultimately adopted by the Board of Commissioners;
 - g) There are Conservation District comments incorporated herein by the May 18, 2021, Wyandotte County Conservation District letter;
 - h) A building permit is required for a permanent structure greater than 120 square feet;
 - i) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward; and,
 - j) Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Code of Ordinances;
- 3) No sales will be conducted on the property without a Special Use Permit specifically for a home occupation or an annual agreement for a farmers' market;
- 4) In order to create a suitable environment for the farm animals, the subject property must be kept free of inoperable vehicles, scrap/junk, or other materials;
- 5) All vehicles must be parked on paved surfaces and all inoperable vehicles must be parked within a covered structure;

- 6) Any additional driveways must be constructed and/or updated to comply with Section 27-575(a). All new or updated portions of the driveways must be paved with two (2) inches of asphalt over six (6) inches of gravel, four (4) inches of concrete, or another alternative as approved by the UG Engineer;**
- 7) The conditions of approval for any and all variances as allowed by this City Planning Commission case SP2021-042 will only go into effect when case BOZA2021-012 is recommended for approval by the Board of Zoning Appeals;**
- 8) There are Conservation District comments incorporated herein by the May 18, 2021, Wyandotte County Conservation District letter. For a full list of the Conservation District comments, see the Conservation District Letter in the "Attachments" section of this report;**
- 9) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. Any illumination that results from use of the parking lot shall not be seen or otherwise impact adjacent residential uses;**
- 10) Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;**
- 11) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 12) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and**

approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
13) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2021.

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2021-053, commonly known as 11827 Marxen Road, Kansas City, Kansas, legally described as:

The Northwest quarter of the Northeast quarter of Section 9, Township 10, Range 23, Containing 40 acres, also the Southwest fractional quarter of the southeast fractional quarter of section 4, township 10, range 23 containing 11 ¼ acres. W1/2 Lot 3 SE1/4 LS N 40FT; also 0-10-23; NW 1/4 NE 1/4; CONTG 50.85 AC M/L, located at approximately 11827 Marxen Road, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a Home Occupation Short-Term Rental/AirBnB.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. Per the applicant, the maximum number of guests shall be four (4);
2. All parking must be off-street, maximum number of vehicles is two (2);

3. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
5. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance:
913-246-5133 www.hostcompliance.com/tips;
6. Maintain a safe environment including:
 - a. Working smoke detectors in each building plus each level of the unit/house;
 - b. GFCI outlets re required in bathrooms;
 - c. Double keyed locks are not allowed;
 - d. Copper cannot be used for gas supply lines;
 - e. Windows must be operable, not blocked or boarded;
 - f. Handrails are required at sets of 4 or more stairs/ risers;
 - g. Hot water tank and furnace must be vented properly and operational; and,
 - h. Electric panel and circuits must be safe.
7. No signs shall be posted on the property advertising the short-term rental;
8. No employees other than members of the immediate family residing on the premises;
9. Conditions of approval from 2019 (#SP-2019-61):
 - a. No signs.
 - b. No employees other than members of the immediate family residing on the premises.
 - c. Applicant must file and maintain the current occupation tax application.
 - d. Above responses made by the applicant.
 - i. We will use the AIRBNB application to pay appropriate lodging taxes. We also will arrange to pay the required occupation tax through Business License Department.
 - ii. Two rooms will be rented, specifically two downstairs bedrooms.
 - iii. Four (4) people, maximum, will stay at any one time.
 - iv. Two (2) vehicles in addition to our vehicles will parking on the concrete driveway between the house and barn.
 - v. We plan to make the rooms available approximately 80 percent of the year.
 - vi. We do not plan to have long-term guests of over 30 days. If that changes, we will make arrangements for a rental license.
 - vii. Guests will have the use of common space on our lower level, lower patio, front porch and property.

10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
11. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
12. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2021.

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2021-058, commonly known as 3800 Weaver Court, Kansas City, Kansas, legally described as:

Weaver Neal Estates Res, Lot 1, Section 30, Township 10, Range 25, acres 0.68, Lot 5, located at approximately 3800 Weaver Court, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of a Homestead Montessori Farm school within a residence.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1. In the future, to have more than six (6) chickens and/or pygmy goats, a variance must be applied for because the property is less than one (1) acre. The appeal must be approved by the Board of Zoning Appeals, so you may file an application for a variance at the same time as a Special Use Permit application to keep livestock is filed. Sec. 27-593(a)(10) Fowl, keeping of permitted fowl in lots not zoned agricultural:**

- a. Closer than 25 feet to the nearest portion of any building occupied by or in any way used by human beings, other than the dwelling occupied by the owner or keeper of the animals, fowl, or closer than ten (10) feet to the property line of the lot.
 - b. Exceeding a total of six (6) fowl regardless of lot size;
2. No signage advertising the school shall be posted on the property;
3. Per the applicant, the teacher student ratio shall not exceed 1:12;
4. Hours of operation shall be from 8:00 AM to 4:00 PM.
5. Per Business Licensing Division:
 - a. If approved, the applicant will need to file and maintain a current business occupation tax application with this office;
6. Conditions of approval from 2019 (#SP-2019-91):
 - a. Staff wants to remind Applicant that if the Montessori school were to move locations within Kansas City, she would need to reapply for a Special Use Permit, regardless of the timing of her most recent permit obtained or renewed.
 - b. The back yard is entirely fenced. The animals are in the fenced area inside a coop in the back yard.
 - c. The applicant currently has six (6) children enrolled and does not wish to have more than twelve (12) students to keep the student to teacher ratio low for optimum interaction with students.
 - d. A Home Occupancy Special Use Permit allows for limited commercial use of a residential building, but the use of the building and the property is fundamentally residential. This is proven by the fact that if the Special Use Permit were revoked, expired, or not renewed, use of the primary structure on the property would revert back and could only be residential;
7. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
8. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
9. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any

application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2021.

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk



Staff Request for Commission Action

Tracking No. 21963

Full Commission Meeting Date: 8/26/2021

Committee: Economic Development & Finance

Date of Standing Committee Action: 8/9/2021

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
8/20/2021	Rick Mikesic, Andrea Parra	x8046, x8226	rmikesic@wycokck.org, aparra@wycokck.org	Treasurer

Item Description:

Resolution to establish eligible financial institutions and designating authority to certain Unified Government Staff to take actions with respect to those eligible financial institutions.

Action Requested:

Adopt resolution as presented.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Eligible Institutions, Authorized Officers Resolution - 8-9-21 ED&F, Designating Eligible Financial Institutions-ED&F-8.9.21

RESOLUTION NO. _____

**A RESOLUTION ESTABLISHING ELIGIBLE FINANCIAL INSTITUTIONS AND
DESIGNATING AUTHORITY TO CERTAIN UNIFIED GOVERNMENT TO TAKE
ACTIONS WITH RESPECT TO THOSE ELIGIBLE FINANCIAL INSTITUTIONS**

WHEREAS, K.S.A. 9-1401 provides that the governing body of any municipal corporation shall designate by official action the banks which may serve as depositories of its funds; and

WHEREAS, K.S.A. 12-1675 provides that the governing body of a city or county may invest any moneys which are not immediately required for the purposes for which the moneys were received (hereinafter referred to as “idle funds”) in certain enumerated types of investments in certain types of financial institutions; and

WHEREAS, pursuant to K.S.A. 9-1401, K.S.A. 12-1675 and K.S.A. 12-1675a, eligible financial institutions are those institutions which are incorporated under the laws of Kansas or any other state or organized under the laws of the United States and which have a main or branch office in the county in which the municipal corporation is located; and

WHEREAS, the banks referenced herein meet the criteria contained in the applicable statutes and the Unified Government’s Cash Management and Investment Policy, and the Unified Government wishes to designate them as eligible institutions for the deposit of its funds and for purposes of receiving Unified Government funds for investment and receiving requests for bids for investment of its idle funds as long as the banks meet the eligibility criteria under applicable statutes and the Unified Government’s Cash Management and Investment Policy; and

WHEREAS, the Unified Government wishes to designate the persons authorized by the Unified Government to act on its behalf with regard to the accounts maintained at the banks referenced herein (“Authorized Signers”) and setting out the limits of their authority (“Authorized Powers”).

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF
COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS:**

1. That the following banks are hereby designated as official Unified Government depositories and eligible institutions (hereafter “Eligible Institutions”) for purposes of receiving Unified Government funds for investment and receiving requests for bids for investment of its idle funds as long as the Eligible Institutions meet the eligibility criteria under all applicable statutes and the Unified Government’s Cash Management and Investment Policy.

- a. Academy Bank
- b. Argentine Federal Savings
- c. Bank of America

- d. Bank of Labor
- e. Bank Midwest
- f. Capitol Federal
- g. Commerce Bank
- h. Community First Bank
- i. Country Club Bank
- j. Enterprise Bank and Trust
- k. First Federal Bank of Kansas City
- l. First State Bank and Trust
- m. Liberty Bank
- n. NBH Bank
- o. Security Bank
- p. UMB Bank
- q. US Bank

2. That the following Unified Government employees listed below are authorized to exercise the following powers:

Authorized Officers or Employees

- a. Mayor/CEO, or their designee – powers “a” and “b”, below.
- b. County Administrator, or their designee – powers “a” and “b”, below.
- c. Chief Financial Officer, or their designee – powers “a” and “b”, below.
- d. Deputy Chief Financial Officer, or their designee – powers “b”, below.
- e. Treasurer, or their designee – powers “b”, below.
- f. Deputy Treasurer, or their designee – powers “b”, below.

Authorized Powers

- a. Open any deposit or share accounts at an Eligible Institution in the name of the Unified Government, and enter into a written lease for the purpose of renting, maintaining, accessing, and terminating a safe deposit box at an Eligible Institution.
- b. Endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit, and issue stop payment orders with respect to any item drawn on a Unified Government account at an Eligible Institution.

3. All of the individuals listed in Section 2 above are hereby designated “Authorized Signers” on the Unified Government accounts maintained or hereafter opened at the Eligible Institutions, subject to the limitations on powers set out in Section 2 above.

4. The Unified Government Clerk is authorized to certify to the Eligible Institutions the names and signatures of persons authorized to act on behalf of the Unified Government under this Resolution and from time to time hereafter, as additions to or changes in the identity of the Authorized Signers are made and to submit to the Eligible Institutions referenced herein a new signature card and incumbency certificate. The Eligible Institutions are entitled to rely on the authority of the person holding the title of the designated position as long as the Unified Government Clerk has certified that such person has been duly appointed to the designated position.

5. The Eligible Institutions are hereby requested, authorized, and directed to honor checks, drafts, or other orders for the payment of money drawn in the Unified Government’s name, when bearing or purporting to bear the facsimile signature of any such Authorized Signer, and the Eligible Institutions are entitled to honor all such checks, drafts, or other others, regardless of by whom or by what means the facsimile signature thereon may have been affixed, if such facsimile signature resembles the facsimile specimens duly certified to or filed with the Eligible Institutions by an Authorized Signer.

6. The Eligible Institutions are authorized to rely on and to continue to honor the instructions of any Authorized Signer identified in this Resolution or subsequently certified as set forth above until such Eligible Institution is notified in writing by the Unified Government Clerk or his or her designee of the amendment or revocation of such authority and the Eligible Institution has had a reasonable period of time to act thereon.

7. This Resolution shall be in full force and effect from and after its adoption.

8. This Resolution shall continue to have effect until express written notice of its rescission or modification has been received by the Eligible Institution.

9. This Resolution shall revoke and supersede any previous resolution concerning the same subject matter.

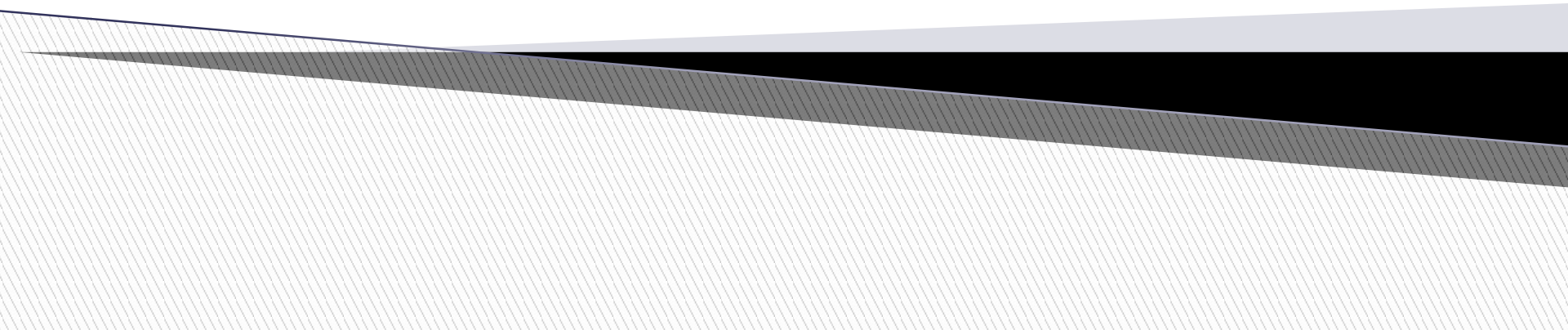
10. The County Administrator and other officers of the Unified Government are hereby authorized on behalf of the Unified Government to enter into and execute any agreements with the Eligible Institutions as are necessary to effectuate the purposes of this Resolution.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,
THIS 26th DAY OF AUGUST, 2021.**

Unified Government Clerk

Resolution Designating UG Eligible Financial Institutions and Authorized UG Officers and Powers

Presented by: Richard Mikesic, Treasurer &
Andrea Parra, Deputy Treasurer
August 9, 2021

The bottom of the slide features a decorative graphic consisting of several overlapping, wavy horizontal bands. From top to bottom, the bands are light gray, dark gray, black, and a light gray band with a fine diagonal line pattern.

Resolution Summary

- Cash Management & Investment Policy was adopted on January 28, 2021.
- Per the investment policy and K.S.A. 9-1401, a resolution is being presented to:
 - Designate eligible banks in Wyandotte County to receive UG funds for investment. (List of banks was obtained from the FDIC website)
 - Designate authorized officers of the UG and their authorized powers to open accounts, endorse checks, set up wires/transfers and stop payment orders.

Authorized Officers / Employees

Power A Open any deposit or share accounts at an Eligible Institution in the name of the UG.

Enter into written lease for the purpose of renting, maintaining, accessing, and terminating safe deposit box at an Eligible Institution.

Power B Endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit

Issue stop payment orders with respect to any item drawn on a UG account at an Eligible Institution.

Powers A & B

Mayor/CEO

County Administrator

Chief Financial Officer

Power B Only

Deputy Finance Director

Treasurer

Deputy Treasurer

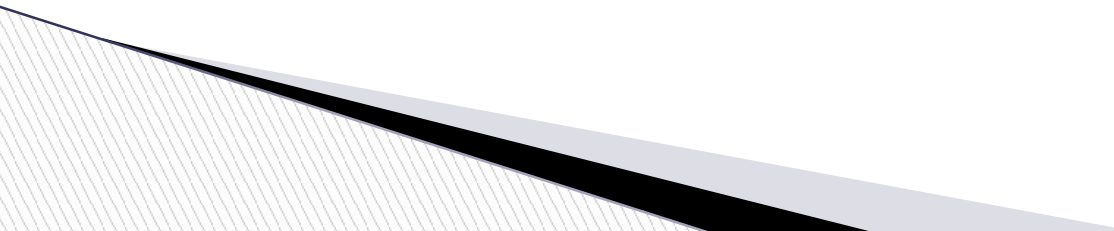
Questions or Comments

Contact Information

Richard Mikesic, Director of Revenue/County Treasurer
rmikesic@wycokck.org

Andrea Parra, Deputy County Treasurer
aparra@wycokck.org

710 N. 7th Street, Suite 240 Kansas City, KS 66101
913-573-2821





Staff Request for Commission Action

Tracking No. 21970

Full Commission Meeting Date: 8/26/21

Committee: Economic Development & Finance

Date of Standing Committee Action: 8/9/21

(If none, please explain):

Publication Required: No

<u>Date:</u> 8/18/2021	<u>Contact Name:</u> Katherine Carttar	<u>Contact Phone:</u> x5176	<u>Contact Email:</u> kcarttar@wycokck.org	<u>Department/Division:</u> Economic Development
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Item Description:

A resolution adopting the 4th amendment to the Downtown Campus Development Agreement. The amendment better defines some requirements, reduces the square footage of the Reardon Center, prioritizes the distribution of CID proceeds, and extends the drop dead date.

Action Requested:

Approve and advance to FC

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution Approving Fourth Amendment to Downtown Campus DA, Lanier - Fourth Amendment to Downtown Campus Redevelopment Agreement

RESOLUTION NO. R-____-21

**A RESOLUTION ADOPTING THE FOURTH AMENDMENT TO
DOWNTOWN CAMPUS DEVELOPMENT AGREEMENT.**

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG") and Lanier United, LLC, a Kansas limited liability company ("Developer"), entered into that certain Downtown Campus Development Agreement dated March 26, 2020, as amended by that certain First Amendment to Downtown Campus Development Agreement dated as of July 30, 2020, that certain Second Amendment to Downtown Campus Development Agreement dated as of December 30, 2020, and that certain Third Amendment to Downtown Campus Development Agreement dated as of May 13, 2021 (as amended, the "Agreement"); and

WHEREAS, Developer has been diligently proceeding with its obligations in connection with the Agreement, but Developer has requested an extension to provide additional time to obtain private financing for the Project, secure the required parking, and modify the descriptions of certain components of the Project, among other things; and

WHEREAS, the Governing Body has determined that it is advisable to enter into the Fourth Amendment to Downtown Campus Development Agreement with Developer (the "Fourth Amendment"), attached hereto as **Exhibit A**.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

Section 1. That the Governing Body hereby approves the Fourth Amendment in substantially the form attached hereto.

Section 2. That the Mayor is hereby authorized to execute in the name of the UG, the Fourth Amendment, and the County Administrator and other officials and representatives of the UG, including special counsel, are hereby further authorized and directed to take such actions and to execute any other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 3. This Resolution shall be effective upon adoption by the Governing Body.

[Remainder of page intentionally left blank; signature page follows.]

**ADOPTED BY THE UNIFIED GOVERNMENT BOARD OF COMMISSIONERS
THIS _____TH DAY OF _____, 2021.**

David Alvey, Mayor/CEO

ATTEST:

Unified Government Clerk

(Seal)

EXHIBIT A

Fourth Amendment

[To be attached.]

FOURTH AMENDMENT TO DOWNTOWN CAMPUS DEVELOPMENT AGREEMENT

THIS FOURTH AMENDMENT TO DOWNTOWN CAMPUS DEVELOPMENT AGREEMENT (this “Fourth Amendment”) is made effective as of July 31, 2021 (the “Effective Date”) between the Unified Government of Wyandotte County/Kansas City, Kansas (the “UG”) and Lanier United, LLC, a Kansas limited liability company (“Developer”).

RECITALS

A. The UG and Developer entered into that certain Downtown Campus Development Agreement dated March 26, 2020 (the “Original Agreement”) for Developer to design, develop, and construct approximately 90,000 to 110,000 square feet of residential housing, commercial and service-based amenities, and upgraded conference facilities as more fully set forth therein. The Original Agreement, as amended by that certain First Amendment to Downtown Campus Development Agreement dated as of July 30, 2020 (the “First Amendment”), as further amended by that certain Second Amendment to Downtown Campus Development Agreement dated as of December 30, 2020 (the “Second Amendment”), and as further amended by that certain Third Amendment to Downtown Campus Development Agreement dated as of May 13, 2021 (the “Third Amendment”), may be referred to herein as the “Agreement.” Capitalized terms used in this Fourth Amendment, but not otherwise defined herein, shall have the meanings assigned to them in the Agreement.

B. Pursuant to the terms of the Agreement, as amended, the Drop Dead Date by which all Closing Conditions, including, among other things, obtaining private financing and securing parking for the Project and Closing on the Project Site, were to be met or waived on July 30, 2021.

C. Developer has been diligently proceeding with meeting its obligations in connection with the Closing Conditions, but has requested (a) to further extend the Drop Dead Date to provide additional time (i) to obtain all required governmental approvals to modify the Agreement, (ii) to secure necessary parking for the Project, and (iii) to obtain private financing for the Project; (b) to correct the description of the Retail Space; (c) to modify the description of the Reardon Center; and (d) to modify the Total Project Budget.

D. The UG and Developer, pursuant to Section 10.4 of the Agreement, hereby desire to amend the Agreement as more particularly set forth below.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the UG and Developer agree as follows:

1. **Amendment to Commercial Space Square Footage.** The parties hereby agree that the definition of Retail Space, as set forth in Section 2.2(a) of the Agreement shall be deleted in its entirety and replaced with the following:

“(a) Commercial Space: Approximately 7,000 square feet of commercial space which shall include the approximately 6,000 square feet space for the Fitness Center, together with approximately 1,000 square feet for retail and/or office uses.”

The term “Retail Space”, as used in the Agreement, shall be replaced, in all instances, with “Commercial Space”, as defined in this Fourth Amendment.

2. **Amendment to Reardon Center Square Footage.** The parties hereby agree that the first sentence of Section 2.2(d) of the Agreement shall be deleted in its entirety and replaced with the following:

“(d) Reardon Center: No less than 7,500 square feet of first-class multi-purpose banquet/meeting space with capacity to seat approximately 325 people for community events and programs, including youth education and healthy living programs and Science, Technology, Engineering and Math (“STEM”) awareness classes.”

3. **Amendment to Use of Reardon Center by UG.** The parties hereby agree that the first sentence of Section 2.3(c)(i)(A) of the Agreement shall be deleted in its entirety and replaced with the following:

“(A) The UG shall have access to the Reardon Center for no less than ten (10) civic-related events per calendar year, with no room rental charges therefor, for the entire term of the Reardon Center Ground Lease, provided each such event shall last no longer than twenty-four (24) hours;”

4. **Amendment Regarding Completion of Public Infrastructure.** The parties hereby agree that the UG has fully completed the Public Infrastructure referenced in Section 2.5 of the Agreement prior to execution of this Fourth Amendment.

5. **Amendment to Parking Condition.** The parties hereby agree that Section 3.1(i) of the Agreement shall be deleted in its entirety and replaced with the following:

“(i) Parking. Developer shall have secured 90 exclusive spaces to support the Commercial Space and Multi-Family Space and 200 nonexclusive spaces to support the Reardon Center; and”

6. **Amendment to Drop Dead Date.** The parties hereby agree that the first sentence of Section 3.2 of the Agreement shall be deleted in its entirety and replaced with the following:

“In the event that the Closing Conditions set forth in Section 3.1 above are not met or waived on or prior to August 31, 2021 (the “Drop Dead Date”), which date may be extended by the Developer by written notice to the UG for a period of thirty (30) days up to four (4) times (for an additional one hundred twenty (120) consecutive days of extensions) without further amendment to this Agreement, provided there has been no event of default hereunder by the Developer, then either party hereto shall have the right to terminate this Agreement, but such failure shall not be an event of default hereunder.”

7. **Amendment to Priority of Distribution of CID Proceeds.** The parties hereby agree that Section 4.2(b) shall be deleted in its entirety and replaced with the following:

"CID Proceeds. The revenues received from the imposition of the CID Sales Tax, less the CID Administrative Fee (as defined in Section 4.2(f)), constitute the "CID Proceeds" and shall be collected and deposited into the CID Fund (as defined in Section 4.2(c)). The CID Proceeds shall be disbursed as follows:

(i) the first \$765,000 of CID Proceeds will be used to pay or reimburse Developer for CID Eligible Expenses, subject to the limitations in the CID Act and provided that none of the CID Proceeds shall be used to pay for anything but the CID Eligible Expenses identified on **Exhibit H** attached hereto, without the prior approval of the UG in its sole discretion,

(ii) next, to pay or reimburse the UG for all of the UG's costs of designing, developing and constructing the Public Infrastructure plus interest thereon calculated at five percent (5%) per annum commencing from the date the UG pays any such costs (the "Public Infrastructure Costs"),

(iii) and thereafter, to pay or reimburse Developer for the remaining CID Eligible Expenses, subject to the limitations in the CID Act and provided that none of the CID Proceeds shall be used to pay for anything but the CID Eligible Expenses identified on **Exhibit H** attached hereto, without the prior approval of the UG in its sole discretion."

8. **Amendment to Priority of Pay-Go CID Financing.** The parties hereby agree that the first sentence of Section 4.2(d) and the first sentence of subsection 4.2(d)(ii) shall be deleted in their entirety and replaced with the following:

"(d) The parties hereby agree that the CID Proceeds, shall be disbursed by the UG to Developer quarterly from the CID Fund on a pay-as-you-go basis ("Pay-Go CID Financing") to reimburse Developer for the CID Eligible Expenses, if and to the extent that: (1) after payment of \$765,000 of CID Proceeds to Developer pursuant to Section 4.2(b)(i) above (or to the General Contractor pursuant to subject to Section 4.8(b)(vii)), the UG has been paid in full for the Public Infrastructure Costs, (2) there are sufficient CID Proceeds in the CID Fund, (3) Developer has fully satisfied all of the conditions set forth in Section 4.7, (4) Developer has not already been reimbursed for CID Eligible Expenses in an amount equal to the CID Cap (as defined in Section 4.2(d)(ii)), and (5) the Term has not yet expired.

...

(ii) CID Cap. The CID Proceeds shall be available to Developer for reimbursement of CID Eligible Expenses through Pay-Go CID Financing, and the CID Proceeds available to Developer pursuant to subsections 4.2(b)(i) and (iii) shall in no event exceed Three Million Twenty Thousand Five Hundred Fifteen Dollars (\$3,020,515) (the "CID Cap")."

9. **Amendment to Conditions Precedent.** The parties hereby agree that Section 4.7(b) shall be deleted in its entirety and replaced with the following:

"(b) Developer shall have achieved Substantial Completion of the Commercial Space, Multi-Family Space, Reardon Center and Athletic Field; provided, however, that the parties hereby specifically agree that Substantial Completion shall not be required for the disbursement of the first \$765,000 of CID Proceeds, the TGT Grant or the UG Contribution to Developer as described in Sections 4.2(b)(i), 4.4 or 7.13(e)(ii); and"

10. **Amendment to Percentage Limitation.** The parties hereby agree that Section 4.6 of the Agreement shall be deleted in its entirety and replaced with the following:

"**Percentage Limitation.** In addition to the CID Cap, TIF Cap and the 50/50 Limitation set forth above, the parties hereby agree that upon completion of the Improvements and submittal of the final Certificates of Expenditure by Developer pursuant to Section 4.8 below, the CID Cap and TIF Cap shall be reduced if and to the extent that the CID Eligible Expenses and TIF Eligible Expenses shall be more than 31% of the total Project Costs (including the Private Funds therefor). In other words, if and to the extent that the CID Eligible Expenses and TIF Eligible Expenses shall collectively be more than 31% of the total Project Costs, then Developer hereby agrees that the CID Cap and TIF Cap shall be proportionately reduced so that the CID Eligible Expenses and TIF Eligible Expenses shall not be more than 31% of the total Project Costs."

11. **Amendment to Timing for UG to Review Certificates of Expenditure.** The parties hereby agree that Section 4.8(b)(vi) of the Agreement shall be deleted in its entirety and replaced with the following:

"The UG shall have forty-five (45) calendar days after receipt of any Certificate of Expenditures to review and respond by written notice to the Developer. If the UG disapproves of the Certificate of Expenditures, the UG shall notify the Developer in writing of the reason for such disapproval within such forty-five (45) day period, in which event the Developer shall have the right to revise and re-submit the Certificate of Expenditures to address the UG's reason for disapproval, and the UG will review and approve the revised Certificate of Expenditures within thirty (30) calendar days after receipt of the re-submitted Certificate of Expenditures. Approval of any Certificate of Expenditures will not be unreasonably withheld, conditioned, or delayed."

12. **Amendment to Reimbursement Process for Certain Certificates of Expenditure.** The parties hereby agree that a new Section 4.8(b)(vii) will be added to the Agreement:

"Notwithstanding anything in this Agreement to the contrary, the UG agrees that for the first \$765,000 of the CID Proceeds (as described in Section 4.2(b)(i) above), the TGT Grant and the UG Contribution, the Developer may direct the UG to directly pay its General Contractor by providing written notice to the UG with each of the Certificate of Expenditures for the same. In such instance, the UG shall not require the Developer to produce lien waivers or other evidence of payment of Project Costs identified in the

Certificate of Expenditure that are to be paid directly to the Developer's General Contractor. Any portion of the CID Proceeds, the TGT Grant and/or the UG Contribution which is paid directly to the General Contractor pursuant to this provision shall be have paid for the benefit of Developer as though those funds had been received directly by Developer; in no event shall the UG be required to duplicate (by making an additional payment to the Developer) any disbursement of the of the CID Proceeds, the TGT Grant and/or the UG Contribution which is paid by the UG directly to the General Contractor."

13. **Amendments to Annex of Definitions.** The parties hereby agree that the definitions of Retail Space and Reardon Center, as set forth in ANNEX 1 of the Agreement shall be deleted in their entirety and replaced with the following:

"Commercial Space" means approximately 7,000 square feet of commercial space which shall include the approximately 6,000 square feet space for the Fitness Center together with approximately 1,000 square feet for retail and/or office uses."

"Reardon Center" means approximately 7,500 square feet of first-class multi-purpose banquet/meeting space with capacity to seat approximately 325 people for community events and programs, as described in Section 2.2(d)."

14. **Amendment to Total Project Budget.** The parties hereby agree to modify the Agreement by deleting **Exhibit H**, entitled "**Total Project Budget**", in its entirety and replacing with **Exhibit H**, attached hereto.

15. **Miscellaneous.** In connection with this Fourth Amendment, the parties hereby agree as follows:

(a) The Recitals set forth above are true and correct and are hereby incorporated by reference.

(b) Except as specifically modified by this Fourth Amendment, the Agreement, as amended, remains in full force and effect in accordance with the terms thereof.

(c) In the event of any inconsistency between the terms of this Fourth Amendment and the Original Agreement, the First Amendment, the Second Amendment, or the Third Amendment, this Fourth Amendment shall control.

(d) This Fourth Amendment contains the entire agreement between the parties hereto, and the terms hereof are contractual and not mere recitals. No promises, inducements or agreements not herein expressed have been made.

(e) This Fourth Amendment shall be binding upon and inure to the benefit of the parties hereto, and their successors and assigns.

(f) This Fourth Amendment may be executed in counterparts.

(g) All remedies set forth in Article 9 of the Original Agreement shall be made available for the enforcement of this Fourth Amendment.

(h) This Fourth Amendment shall be construed in accordance with the laws of the State of Kansas.

IN WITNESS WHEREOF, the parties have caused this Fourth Amendment to be executed as of the day and year first above written.

UG:

**THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

By: _____
David Alvey, Mayor/CEO

STATE OF KANSAS)
) SS.
COUNTY OF WYANDOTTE)

This instrument was acknowledged before me on _____, 2021, by David Alvey as Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas.

Printed Name: _____
Notary Public in and for said State
Commissioned in Wyandotte County

My commission expires:

IN WITNESS WHEREOF, the parties have caused this Fourth Amendment to be executed as of the day and year first above written.

DEVELOPER:

LANIER UNITED, LLC, a Kansas limited liability company

By: _____
Willie Lanier, Jr., Manager

STATE OF _____)
) SS.
COUNTY OF _____)

This instrument was acknowledged before me on _____, 2021, by Willie Lanier, Jr. as Manager of Lanier United, LLC, a Kansas limited liability company.

Printed Name: _____
Notary Public in and for said State
Commissioned in _____ County

My commission expires:

Exhibit H

Exhibit H

**Lanier United KCK Development
Downtown Campus
As of: 8/1/2021**

Estimated Project Costs

Description	Total Costs	TIF Eligible	CID Eligible	Sales Tax Redirection
PROPERTY ACQUISITION				
Acquisition/ Relocation/Lease Buyout	\$10	\$10	\$10	\$10
Title issues, right of way easement, traffic signalization easement	\$25,000	\$25,000	\$25,000	\$25,000
	\$25,010	\$25,010	\$25,010	\$25,010
SITE COSTS				
Clearing & Grubbing	\$25,000	\$25,000	\$25,000	\$25,000
Excavation and Demo (in Bldg Cost)	\$0	\$0	\$0	\$0
Embankment	\$0	\$0	\$0	\$0
Fine Grading	\$50,000	\$50,000	\$50,000	\$50,000
Regular Duty Pavement	\$50,000	\$50,000	\$50,000	\$50,000
Heavy Duty Asphalt Pavement	\$0	\$0	\$0	\$0
Heavy Duty Concrete	\$50,000	\$50,000	\$50,000	\$50,000
Curb & Gutter	\$50,000	\$50,000	\$50,000	\$50,000
Storm Sewer	\$100,000	\$100,000	\$100,000	\$100,000
Inlets / Junction Boxes	\$0	\$0	\$0	\$0
Water Main	\$75,000	\$75,000	\$75,000	\$75,000
Fire Hydrants	\$10,000	\$10,000	\$10,000	\$10,000
Sanitary Sewer	\$100,000	\$100,000	\$100,000	\$100,000
Sanitary Sewer Manholes	\$7,500	\$7,500	\$7,500	\$7,500
Site Lighting	\$50,000	\$50,000	\$50,000	\$50,000
Landscaping	\$50,000	\$50,000	\$50,000	\$50,000
Athletic Field	\$150,000	\$150,000	\$150,000	\$150,000
Utility Easement Relocation (in Bldg Cost)	\$0	\$0	\$0	\$0
Erosion Control	\$5,000	\$5,000	\$5,000	\$5,000
Irrigation	\$7,000	\$7,000	\$7,000	\$7,000
Site Survey (in Professional Svcs)	\$0	\$0	\$0	\$0
Site Engineering (in Professional Svcs)	\$0	\$0	\$0	\$0
Geotechnical Engineering	\$20,000		\$20,000	
Site Construction Testing	\$10,000		\$10,000	
Total On-Site Costs	\$809,500	\$779,500	\$809,500	\$779,500
BUILDING AND PARKING CONSTRUCTION COSTS				
Apartment	\$12,780,000		\$12,780,000	
Reardon Center	\$3,050,000		\$3,050,000	
Fitness/ Commercial	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
FF&E	\$250,000		\$250,000	
Total Building Construction Costs	\$17,080,000	\$1,000,000	\$17,080,000	\$1,000,000
PROFESSIONAL SERVICES AND SOFT COSTS				
Architectural Services & Design Costs	\$750,000	\$750,000	\$750,000	\$750,000
Legal Services	\$225,000	\$225,000	\$225,000	\$225,000
Permits	\$50,000	\$50,000	\$50,000	\$50,000
Engineering Services	\$100,000	\$100,000	\$100,000	\$100,000
Total Professional and Soft Costs	\$1,125,000	\$1,125,000	\$1,125,000	\$1,125,000
TOTAL ESTIMATED PROJECT COSTS*	\$19,039,510	\$2,929,510	\$19,039,510	\$2,929,510
	Caps**	\$3,054,758	\$3,020,515	\$1,000,000
CID and TIF percentage Cap	31.00%			

* The foregoing does not include any Costs of Financing, Interest, City Expenses or any Cost of Additional Required Improvements, all of which shall be reimbursable to the Developer in accordance with the TIF Plan.

** Pursuant to the Development Agreement, the UG will submit an application for a HUD Section 108 Loan in the amount of \$5,000,000 for the purpose of financing or refinancing non-construction work related to the Project. If the UG is unable to secure a HUD Section 108 Loan, then the UG will provide additional public financing to the Project in an amount not to exceed \$225,000 through either redirection of additional TIF Proceeds or by increasing the redirected amount of TGT.

Exhibit H



Staff Request for Commission Action

Tracking No. 21971

Full Commission Meeting Date: 8/26/21

Committee: Economic Development & Finance

Date of Standing Committee Action: 8/9/21

(If none, please explain):

Publication Required: No

<u>Date:</u> 8/18/2021	<u>Contact Name:</u> Katherine Carttar	<u>Contact Phone:</u> x5176	<u>Contact Email:</u> kcarttar@wycokck.org	<u>Department/Division:</u> Economic Development
<u>Item Description:</u> A resolution approving the 4th amendment to KC Foodie Park Development Agreement to primarily extend planning and construction deadlines.				
<u>Action Requested:</u> Approve and advance to FC 8/26.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Resolution Approving Fourth Amendment to KC Foodie Park DA, Fourth Amendment to KC Foodie Park Development Agreement (Food Service Center)				

RESOLUTION NO. R-____-21

**A RESOLUTION ADOPTING THE FOURTH AMENDMENT TO KC
FOODIE PARK DEVELOPMENT AGREEMENT.**

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG"); KC Foodie Park, LLC, a Delaware limited liability company ("Developer"); and Scavuzzo's, Inc., a Kansas corporation d/b/a Scavuzzo's Food Service Company ("Scavuzzo's") entered into that certain KC Food Park Development Agreement dated September 26, 2019, as subsequently amended by that certain First Amendment dated December 12, 2019, that certain Second Amendment dated March 12, 2020, and that certain Third Amendment dated August 27, 2020, which also included Scavuzzo's Foodie Campus, LLC, a Kansas limited liability company ("SFC"), as a party (collectively, as amended, the "Development Agreement");

WHEREAS, the Development Agreement contains certain deadlines, including without limitation, deadlines to propose redevelopment project plans for Project Areas 2, 3 and 4 of the Project in Section 4.2(g) and deadlines to close on the Phase 2 Property, the Phase 3 Property and the Phase 4 Property in Section 5.1;

WHEREAS, for a number of reasons, Developer has requested extensions of these and other deadlines in the Development Agreement; and

WHEREAS, the Governing Body has determined that it is advisable to enter into the Fourth Amendment to KC Foodie Park Development Agreement with Developer, Scavuzzo's and SFC attached hereto as **Exhibit A** (the "Fourth Amendment").

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

Section 1. That the Governing Body hereby approves the Fourth Amendment in substantially the form attached hereto.

Section 2. That the Mayor is hereby authorized to execute in the name of the UG, the Fourth Amendment, and the County Administrator and other officials and representatives of the UG, including special counsel, are hereby further authorized and directed to take such actions and to execute any other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 3. This Resolution shall be effective upon adoption by the Governing Body.

[Remainder of page intentionally left blank; signature page follows.]

**ADOPTED BY THE UNIFIED GOVERNMENT BOARD OF COMMISSIONERS
THIS _____TH DAY OF _____, 2021.**

David Alvey, Mayor/CEO

ATTEST:

Unified Government Clerk

(Seal)

EXHIBIT A

Fourth Amendment

[To be attached.]

FOURTH AMENDMENT TO KC FOODIE PARK DEVELOPMENT AGREEMENT

THIS FOURTH AMENDMENT TO KC FOODIE PARK DEVELOPMENT AGREEMENT (this "Amendment"), is made and entered into as of _____, 2021 (the "Effective Date") by and among the **UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS** (the "UG"); **SCAVUZZO'S, INC.**, a Kansas corporation d/b/a Scavuzzo's Food Service Company ("Scavuzzo's"); **SCAVUZZO'S FOODIE CAMPUS, LLC**, a Kansas limited liability company ("Assignee"); and **KC FOODIE PARK, LLC**, a Delaware limited liability company (collectively, the "Developer", and with the UG, the "Parties").

RECITALS:

A. On September 26, 2019, the UG and Developer entered into that certain KC Foodie Park Development Agreement (as amended from time to time, the "Original Development Agreement"), which Development Agreement was joined by Scavuzzo's, whereby Developer proposed to acquire, design, develop, and construct the Project on certain real property located in Wyandotte County, Kansas, which is generally bounded on the north by State Avenue, on the east by Interstate 635, on the south by Interstate 70, and on the west by North 47th Street, as legally described on Exhibit A attached to the Original Development Agreement (the "Project Site"). A Memorandum of Agreement [KC Foodie Park Development Agreement] dated as of March 31, 2020 was recorded with the Wyandotte County, Kansas Register of Deeds (the "Register of Deeds") against the Phase 1 Property on April 1, 2020 as Document No. 2020R-04590.

B. The Original Development Agreement has subsequently been amended by that certain First Amendment dated as of December 12, 2019 (the "First Amendment"), that certain Second Amendment dated as of March 12, 2020 (the "Second Amendment") and that certain Third Amendment dated as of August 27, 2020 (the "Third Amendment"). Collectively, the Original Development Agreement as amended by the First Amendment, Second Amendment and Third Amendment may be referred to herein as the "Development Agreement." Capitalized terms which are not otherwise defined herein shall have the meanings assigned to them in the Development Agreement.

C. Among other things, the Development Agreement contains certain deadlines, including without limitation, deadlines to propose redevelopment project plans for Project Areas 2, 3 and 4 of the Project in Section 4.2(g) and deadlines to close on the Phase 2 Property, the Phase 3 Property and the Phase 4 Property in Section 5.1. For a number of reasons, Developer has requested extensions of these and other deadlines in the Development Agreement as set forth below.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing and in consideration of the mutual covenants and agreements herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. **Incorporation of Recitals.** The Parties understand and agree that the Recitals set forth above are hereby incorporated as though more fully set forth herein.

2. **Amendment of Development Agreement.**

A. Modification of Commencement Date for Phase 1 Minimum Improvements. The Parties hereby agree that Section 6.10(a) shall be deleted in its entirety and replaced with the following:

"(a) Developer shall, on or before that date which is ten (10) business days after the Effective Date of this Amendment, (i) install silt fencing and otherwise commence work on erosion control for the Phase 1 Property, and (ii) commence demolition of the existing hardscape and other improvements on the Phase 1 Property. Developer shall Commence Construction (as defined in Annex 1) of the Phase 1 Minimum Improvements of the Project as described in Section 2.5 on or before December 31, 2021. Additionally, Developer agrees that prior to Commencement of Construction of the Phase 1 Improvements, Developer shall secure and provide evidence of available private funds which, when added to the TIF Proceeds, are sufficient to complete the Phase 1 Minimum Improvements. For purposes hereof, the evidence of private funds shall be to the reasonable satisfaction of the UG and may include (x) cash or other immediately available funds, (y) private equity commitments that are to be funded no later than the date when Developer closes on its construction financing for the Phase 1 Minimum Improvements, and/or (z) a loan commitment for construction financing subject only to customary and commercially reasonable conditions;"

B. Modification of Remedies for Failure to Timely Commence Phase 1. If and to the extent that Developer shall fail to meet any of the deadlines described in Section 6.10(a) (as amended and described above), then the Parties hereby agree that (i) Developer's cure period described in Section 9.1(b) of the Agreement shall be shortened from sixty (60) days to twenty (20) days, and (ii) Developer's cure period described in Section 2.4(b)(y) shall be shortened from twelve (12) months to sixty (60) days. The modified remedies described herein shall only apply to a failure of Developer to meet the deadlines described in Section 6.10(a) (as modified by this Amendment).

C. Modification of Completion Date for Phase 1 Minimum Improvements. The Parties hereby agree that Section 6.11(a) shall be deleted in its entirety and replaced with the following:

"Substantially Complete the Phase 1 Minimum Improvements on or before July 1, 2023;"

D. Modification of Deadlines to Propose Redevelopment Project Plans for Project Areas. The Parties hereby agree that Sections 4.2(g)(i), (ii) and (iii) of the Development Agreement shall be deleted in their entirety and replaced with the following:

- (i) Project Area 2 Deadline: January 15, 2022 (the "Project Area 2 Plan Deadline");

- (ii) Project Area 3 Deadline: January 15, 2023 (the "Project Area 3 Plan Deadline"); and
- (iii) Project Area 4 Deadline: January 15, 2025 (the "Project Area 4 Plan Deadline").

B. Modification of Property Closing Deadlines. The Parties hereby agree that Section 5.1(b), (c) and (d) of the Development Agreement shall be deleted in their entirety and replaced with the following:

- (i) Phase 2 Property Closing Deadline: June 30, 2022;
- (ii) Phase 3 Property Closing Deadline: June 30, 2023; and
- (iii) Phase 4 Property Closing Deadline: June 30, 2025.

C. Modification of Completion Date for Phase 2. The Parties hereby agree that Section 6.11(b) shall be deleted in its entirety and replaced with the following:

- (i) Substantially Complete the Phase 2 Minimum Improvements within twenty-four (24) months after the Closing on the Phase 2 Property;

3. **Miscellaneous**. In connection with this Amendment, the Parties hereby agree as follows:

A. Any capitalized term used herein that is not specifically defined herein shall have the meaning provided in the Development Agreement.

B. Except as specifically modified by this Amendment, the Development Agreement shall be and remain in full force and effect in accordance with the terms thereof.

C. It is the intent of the Parties that the provisions of the Development Agreement, as amended by this Amendment, shall be enforced to the fullest extent permitted by applicable law. To the extent that the terms set forth in the Development Agreement, as amended by this Amendment, or any word, phrase, clause or sentence is found to be illegal or unenforceable for any reason, such word, phrase, clause or sentence shall be modified, deleted or interpreted in such a manner as to afford the party for whose benefit it was intended the fullest benefit commensurate with making the Development Agreement, as modified, enforceable and the balance of the Development Agreement shall not be affected thereby, the balance being construed as severable and independent.

D. The Parties hereto declare and represent that no promises, inducements or agreements not herein expressed have been made; the Development Agreement, as modified by this Amendment, contain the entire agreement between the Parties hereto; and the terms hereof are contractual and not mere recitals.

E. This Amendment shall be binding upon and inure to the benefit of the Parties hereto, and their successors and assigns.

F. This Amendment may be executed in counterparts.

G. This Amendment shall be construed in accordance with the laws of the State of Kansas.

[Remainder of page intentionally left blank; signature pages follow.]

IN WITNESS WHEREOF, the Parties have executed these presents as of the day and year first above written.

UG:

**THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

By: _____
David Alvey, Mayor/CEO

STATE OF KANSAS)
) SS.
COUNTY OF WYANDOTTE)

This instrument was acknowledged before me on _____, 2021 by David Alvey as Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas.

Printed Name: _____
Notary Public in and for said State
Commissioned in _____ County

My commission expires

IN WITNESS WHEREOF, the Parties hereto have executed these presents as of the day and year first above written.

DEVELOPER:

KC FOODIE PARK, LLC, a Delaware limited liability company

By: _____
Richard Scavuzzo, Manager

STATE OF _____)
) SS.
COUNTY OF _____)

This instrument was acknowledged before me on _____, 2021 by Richard Scavuzzo as Manager of KC Foodie Park, LLC, a Delaware limited liability company.

Printed Name: _____
Notary Public in and for said State
Commissioned in _____ County

My commission expires

IN WITNESS WHEREOF, the Parties hereto have executed these presents as of the day and year first above written.

ASSIGNEE:

SCAVUZZO'S FOODIE CAMPUS, LLC, a Kansas limited liability company

By: _____
Richard Scavuzzo, Manager

STATE OF _____)
) SS.
COUNTY OF _____)

This instrument was acknowledged before me on _____, 2021 by Richard Scavuzzo as Manager of Scavuzzo's Foodie Campus, LLC, a Kansas limited liability company.

Printed Name: _____
Notary Public in and for said State
Commissioned in _____ County

My commission expires

IN WITNESS WHEREOF, the Parties hereto have executed these presents as of the day and year first above written.

SCAVUZZO'S:

SCAVUZZO'S, INC., a Kansas corporation d/b/a **SCAVUZZO'S FOOD SERVICE COMPANY**

By: _____
Richard Scavuzzo, CEO

STATE OF _____)
) SS.
COUNTY OF _____)

This instrument was acknowledged before me on _____, 2021 by Richard Scavuzzo as CEO of Scavuzzo's, Inc., a Kansas corporation d/b/a Scavuzzo's Food Service Company.

Printed Name: _____
Notary Public in and for said State
Commissioned in _____ County

My commission expires

STATE OF KANSAS)
WYANDOTTE COUNTY)) SS
CITY OF KANSAS CITY, KS)

**PLANNING & ZONING AND
REGULAR SESSION
APRIL 29, 2021**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, April 29, 2021, with eleven members present via Zoom: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner Third District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. The following officials were also in attendance: Doug Bach, County Administrator; Alan Howze, Melissa Sieben, and Bridgette Cobbins, Assistant County Administrators; Misty Brown, Chief Counsel; James Bain, Assistant Counsel; Ashley Hand, Director of Strategic Communication; Brett Deichler, Interim Unified Government Clerk; Gunnar Hand, Director of Planning and Urban Design; Juliann VanLiew, Director of Health Department; Dr. Erin Corriveau, Deputy Local Health Officer; Lynn Melton, Assistant to the Mayor's Office; Janet Parker, Administrative Assistant; Carol Godsil, Deputy Unified Government Clerk; and Allie Facio, Clerk's Office.

Mayor Alvey said before I call the meeting to order, I want to announce that due to COVID-19, some commissioners, staff, and public are attending remotely via phone or by Zoom. All participants joining by phone should mute their phones when not speaking to avoid background noise.

During the meeting, please make sure that you announce yourself by name and title every time you speak so that the public that is observing knows who is speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General.

Due to COVID-19 requirements, the public is allowed to participate by Zoom or submit comments by email prior to the meeting. Those comments will be included in the record of the meeting. I'd ask the Clerk to please call the roll.

Roll call: Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Alvey.

Mayor Alvey said the invocation is being given by Commissioner Harold Johnson of Faith Deliverance Church of God in Christ.

Mayor Alvey asked the Clerk, are there any revisions to tonight's agenda?

Brett Deichler, Interim Unified Government Clerk, said yes, Mayor, there were two revisions to tonight. A blue sheet was distributed for the standing committee agenda regarding the Healthy, Resilient, and Sustainable Materials grant.

A second change was issued via a pink sheet. It was distributed to the Mayor's Agenda regarding a resolution amending the Local Health Order from 3/25/21.

Mayor Alvey said tonight, we have two parts to our meeting, Planning and Zoning first, followed by Regular Commission. I'll ask the Clerk to read the statement required by state law governing the Planning and Zoning portion of our meeting, followed by the items on the Planning and Zoning Consent Agenda.

Brett Deichler, Interim UG Clerk, said, Mayor, I believe we need to go the Mayor's Agenda first and discuss the pink sheet before we do that.

MAYOR'S AGENDA

ITEM NO. 1 – 21811... RESOLUTION: AMENDING LOCAL HEALTH ORDER 3/25/2021

Synopsis: A resolution amending Local Health Order 3/25/2021 by repealing the social distancing provisions and amending the section pertaining to mask wearing, submitted by Misty Brown, Chief Counsel.

Juliann VanLiew, Health Department, said as discussed earlier this evening, this health order would rescind all previous elements of health orders around social distancing and also rescind any requirement around mask wearing outdoors. It would remain in place, a requirement for mask wearing in public spaces. That's really the crux of the health order. I'd be happy to take questions or Misty if you have anything else to add.

Mayor Alvey asked are there any comments or questions from the Commission?

Action: **RESOLUTION NO. R-34-21**, “A resolution amending Local Health Order 3/25/21.” **Commissioner Kane made a motion, seconded by Commissioner Walters to adopt the resolution.**

Mr. Deichler said, I’m sorry, Commissioner Burroughs had his hand up but now it’s back down.

Commissioner Burroughs said my question is, is this going to be date certain. Are we going to just run—this will be in effect until when? **Ms. VanLiew** said it would go into effect at midnight and be in effect through May 28. **Commissioner Burroughs** said thank you. That’s the only question I have.

Doug Bach, County Administrator, said we chose that date because it is consistent with where Kansas City, Missouri has extended their timeframe to as well.

Roll call was taken on the motion and there were nine “Ayes,” Philbrook, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, and one “no,” Townsend.

PLANNING AND ZONING CONSENT AGENDA

Brett Deichler, Interim UG Clerk, read the statement, required by law, governing the Planning and Zoning portion of the meeting.

Mr. Deichler asked if any member of the Commission wished to disclose any contact with proponents or opponents on any item on the agenda. **Commissioner Philbrook** disclosed contact with opponent to SP2021-008. **Commissioner Townsend** disclosed contact with proponent for SP2020-105 and also had contact with persons in opposition to that application. **Commissioner Burroughs** disclosed contact with proponents of SP2021-019. **Commissioner Walters** disclosed contact with proponents of SP2020-100. **Commissioner Kane** disclosed multiple complaints from COZ2021-006.

Mr. Deichler read the items on the Planning and Zoning Consent Agenda.

Mayor Alvey asked, does any member of the Commission, staff, or anyone in the public wish to set-aside any item on the Planning and Zoning Consent Agenda? If an item is not set-aside, all items on the Planning and Zoning Consent Agenda will be voted on by one vote to follow the recommendation of the Planning Commission.

Commissioner Kane said I want to set-aside COZ2021-006. **Commissioner Townsend** said I want to set-aside SP2020-105.

Action: **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve all remaining items as submitted.** Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 - 21784...CHANGE OF ZONE APPLICATION COZ3233 - ALICIA ELLINGSWORTH WITH KC FARM SCHOOL AT GIBBS ROAD

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for a community garden at 4223 and 4225 Gibbs Road, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Alicia Ellingsworth with KC Farm School at Gibbs Road, has requested a Change of Zone for 4223 & 4225 Gibbs Road, a sole parcel, from R-1 Single-Family District to AG Agriculture District to continue to operate the property for agricultural uses. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application #3233, subject to:

- 1) According to Sec. 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
- 2) Submittal of a farmers’ market agreement to the Department of Planning and Urban Design;
- 3) The parking lot must be striped in compliance with Section 27-669;
- 4) Employee and guest parking on the public right-of-way is prohibited;
- 5) Rumble strips must be installed on the paved driveway apron to catch gravel from the rest of the driveway and drive aisle and prevent the gravel from tracking onto Gibbs Road;

- 6) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 7) A building permit is required for the construction of the deck. Please contact the Building Inspection Department to begin that process;
- 8) A building permit is required for a change of occupancy. Please contact the Building Inspection Department to begin that process; and,
- 9) Site improvements that include land disturbance activity on greater than 1 (one) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations [Article XIV, Section 8-610 through Section 8-618]. Land disturbance fees shall be processed by UG Public Works during the land disturbance/ Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works department, 701 N.7th Street, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Department, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application #COZ3233, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 2 – 21786...CHANGE OF ZONE APPLICATION #COZ2021-006 - SCANNELL PROPERTIES #459, LLC

Synopsis: Change of Zone from CP-1 Planned Limited Business and MP-2 Planned General Industrial Districts to MP-2 Planned General Industrial District to remove light manufacturing restriction from previous approval (Woodlands Phase 2) at 9700 Leavenworth Road, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Scannell Properties #459, LLC, applied for a change of zone from CP-1 Planned Limited Business and MP-2 Planned General Industrial District to MP-2 Planned General Industrial District, preliminary plat (approved) seven industrial lots and build six warehouse and distribution buildings totaling 3,552,985 square feet and final plan review (approved) to build an internal road network for access to Leavenworth Road on 431.75 acres at 9700 Leavenworth Road. The applicant also wants to amend a condition of approval of the original change of zone restricting manufacturing uses on the property. The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application COZ2021-006, with amendment to Condition 29 that the staff will continue to work

with the applicant on advance notification of information through electronic communication to the neighbors subject to:

1. The applicant wants to remove the condition of approval prohibiting manufacturing uses in the business park. Provide examples of the proposed manufacturing businesses that could operate within the development. Manufacturing operations cannot be visible, audible, or odorous for surrounding property owners and guests at Wyandotte County Lake Park.
2. Staff proposed the following manufacturing stipulation: Manufacturing uses are permitted on the property that are restricted to the MP-1 use regulations and shall comply with Sec. 27-468(c)(3) No use shall be permitted or so operated as to produce or emit:
 - a. Smoke, dust, fly ash, gas, or odorous emission not in compliance with Chapter 3 (Code of the Unified Government of Wyandotte County/Kansas City, Kansas, Chapter 3 – Air Pollution).
 - b. Vibration or concussion perceptible without instruments at the property line.
 - c. Noise greater than 75dB(A) at repeated intervals for a sustained length of time at any point on the property line or noise which causes the day-night noise level average to exceed 65 dB(A) for any residence for a sustained period.
 - d. Industrial waste which may overburden the public sewage facilities or produce odor or unsanitary effects beyond the property line;
3. The height and area standards and permitted uses of MP-1 Planned Light Industrial and Industrial Park District shall be limited on the MP-2 Planned General Business District lots;
4. To match the zoning of Wyandotte County Lake Park, Lot 7 shall be rezoned from MP-2 Planned General Industrial District to R-1 Single Family when a final plat is submitted for the that lot;
5. With each phase, the Final Development Plans will need to be submitted with an updated Traffic Impact Study (TIS);

The City Planning Commission previously approved constructing a five-foot trail along the north property line along Hurrelbrink Road from North 99th Street to the western entrance into Wyandotte County Lake Park as the Sidewalk and Trails Master Plan designates Hurrelbrink Road as a local trail.

The five-foot trail surface will be decomposed limestone which will cause less disturbance to the existing tree line;

6. A five-foot sidewalk is required to be constructed along 99th Street and a ten-foot sidewalk is required to be constructed along Leavenworth Road (Regional Trail);
7. Sidewalks shall be installed on both sides of the streets throughout the development. For reference, see the Turner Logistics Center industrial business park;
8. Truck traffic on North 99th Street is not permitted. Additional signage shall be posted. Coordination with truck drivers to the distribution center is required;
9. The north access off North 99th Street shall be serpentine, gated and restricted for emergency vehicles and personnel only. The ingress/egress is not available to the public;
10. Staff suggests retrofitting solar arrays on the building's rooftops in the future. Solar collectors shall not extend more than three feet above the highest point of the roof;

11. Per Business Licensing Division:
 - a. If approved, Tenants will need to file and maintain a current occupation tax application;
12. Downspouts shall be internalized;
13. The 250-foot berm along North 99th Street and Building C, D, E, and F shall be preserved during construction to the maximum extent possible. Cutting into the berm's slope will most definitely affect the visibility of Building B, C, D, E and F for the residents west of North 99th Street. Per the applicant's representative, the follows berm height and widths are as follows:
 - Lot 3 Building D:
Berm Width varies from 77 feet to 270 feet wide.
Berm Height from the centerline grade 99th Street varies from 14 feet to 32 feet high.
 - Lot 2 Building E:
Berm Width varies from 100 feet to 170 feet wide.
Berm Height from the centerline grade 99th Street varies from 11 feet to 18 feet high.
 - Lot 6 Building F:
Berm Width varies from 180 feet to 190 feet wide.
Berm Height from the centerline grade of 99th Street varies from 8 feet to 22 feet high.
14. The grades along Leavenworth Road, including the top of the berm range between 940 – 990 feet. The finished floor elevation of Building F is 955.00 feet, and the height of the building is 48 feet. The building is between 13 – 63 feet taller than the surrounding berms on Leavenworth Road. This building will be clearly visible from Leavenworth Road.

There is a heavy focus on screening the site from the west side of 99th Street, however the sight line cross sections do not include views from Leavenworth Road (both on the east and west sides of the main entrance) looking west and northwest towards Buildings E and F. The berm is significantly lower and needs to be raised to screen the trucks and buildings from public view;

15. Continue coordination with Planning and Urban Design, Public Works and KDOT to find screening solutions in the median of the frontage road adjacent to 9731 and 9745 Leavenworth Road that screens truck and employee traffic exiting from the site;
16. Ms. Joy Gardiner, property owner at 9625 Leavenworth Road has contacted staff throughout this process about the impacts of this development on her home, as she is directly across the street from the main entrance on Leavenworth Road.

A mitigation measure that has been agreed upon and staff believe will be a benefit to both parties. The applicant shall fully screen her front yard along Leavenworth Road from vehicle headlights exiting the property. The screening shall be a combination of berming, fencing, landscaping and/or retaining walls, if necessary. The zoning district only permits a four-foot open fence in the front yard, so a variance from the Board of Zoning Appeals is required if the proposed fence is taller than four (4) feet or is solid (i.e., privacy fencing);

17. Coordination with Kansas City Area Transit Authority (KCATA) should continue regarding the exact location of the transit stop and shelter for eastbound buses on Leavenworth Road;
18. No building, trailer parking or employee parking shall be visible from the perimeter of the development as the adjacently zoned properties are A-G Agriculture and R-1 Single Family Districts;

19. Sec. 27-469(g) Trees are required at not less than one per 10,000 square feet of site area. Six foot high architectural screening in combination with a buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property. The architectural screen can either be fencing or landscaping. The fence may be comprised of wood or metal paneling with masonry columns every thirty-two feet on center. No fences shall be on top of berms or seen from street to maintain the wood character.
The site for the proposed development is 202.55 acres, excluding Building A site, 882 trees are required based on acreage and exclusive of the street tree and parking lot island tree requirements for the lots zoned MP-2 Planned General Industrial District;
20. All overstory trees shall be at least two-inch caliper when planted. All ornamental trees shall be at least two-inch caliper when planted. All evergreens shall be at least six feet when planted. All shrubs shall be five gallons when planted;
21. All landscaping shall be irrigated;
22. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.
 - a. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
23. BPU transformer pad shall be completely screened on three sides with 6-foot junipers setback three feet from the pad and ten feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
24. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen (not perforated);
25. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6) evergreens or an architectural wall constructed from the same materials as the main building;
26. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way;
27. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;
28. Shall comply with the sign ordinance.
 - a. No billboards shall be erected within the development;
29. Hours of operation for construction shall be during daylight hours. Exceptions shall be made for small-scale after-hours deliveries and equipment maintenance, interior construction within the enclosed building, and construction worker access to the site. Occasional large-scale construction operations may be required to occur after hours, such

- as concrete or asphalt placements and site grading operations due to weather conditions and suitable temperatures. Contractor/Developer shall provide 24-hour advance notice to the Unified Government Planning & Urban Design office of any large-scale after-hours operations. Staff will continue to work with the applicant on advance notification of information through electronic communication to the neighbors;
30. No construction heavy truck traffic other than employee parking traffic (i.e., restrict) off North 99th Street;
 31. No glare off lights on adjacent houses and towards public rights-of-way;
 32. Job trailer laydown areas should serve multiple phases of construction. The construction job trailers, and associated parking should remain in its current location and not to relocate with construction of each subsequent phase of development. No storage of materials is to be located at the lay down area on 99th Street, and all material storage areas must be screened from view of adjacent properties and the public right-of-way;
 33. Batch plant is hidden from view by the existing berms within the development;
 34. Staff has received complaints from adjacent residents about the dust, trash, noise, glare, hours of construction with the construction of Building A. For the remaining buildings yet to be constructed within the project site, dust/dirt, trash, noise, glare must be minimized to not be intrusive in the single-family residences that border the site to the north, west and south;
 35. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable;
 36. Site improvements that include land disturbance activity on greater than one acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sec.8-610 through Sec.8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,
 37. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

COZ2021-006	
Petitioner	Address
Scannell Properties #459, LLC	9700 Leavenworth Road
Synopsis	
Scannell Properties #459, LLC applied for a change of zone from CP-1 Planned Limited Business and MP-2 Planned General Industrial District to MP-2 Planned General Industrial District. The applicant also wants to amend a condition of approval of the original change of zone restricting manufacturing uses on the property.	

Gunnar Hand, Director of Urban Planning and Design, said this is the Woodlands Redevelopment project. This project was approved last fall. The applicant has since that time come in for a revision to that plan for multiple reasons. One namely, being the replacement removal, excuse me, removal of a condition of approval specifically related to, as stated previously, no manufacturing uses allowed. We have replaced that condition of approval with one that focuses more on eliminating “dirty uses.” If you all recall, the MP-2 designation, while not MP-3, we went with MP-2 because MP-2 allows for the height of the building that is currently under construction at the Woodlands Development, as well as outside storage. There are covenants on that land that restrict the uses and other standards to MP-1. This additional condition, previously approved, restricted some of the uses that the applicant had been seeking to occupy this business park that, quite frankly, would have had less of an impact than the building they’re currently building on Building A. So, instead of saying no manufacturing uses because manufacturing has evolved quite a bit to potentially have, for instance, less traffic impact than a distribution center and looks like any other warehouse. We changed the condition of approval to say that we don’t want to see, hear, or smell any uses, so including steam. That’s how we sort of eliminated both the type of industrial uses we’re trying to avoid at this location, but allow for a little more flexibility for the applicant to fill their business park in the future.

Additionally, after a significant amount of feedback from the public, we worked with the applicant and the applicant ended up proposing a second entrance to the site off of Leavenworth Rd. There had been a lot of conversation in a previous attempt by the applicant to change their site plan and add a second entrance on 99th St. That didn’t advance, so they’ve redesigned their property. They’ve eliminated the retail node at the southwest corner of the site and instead are looking to build additional industrial development. The way that staff sees this is that is a better

site plan. The berming that is proposed in the current plan along 99th Street, again, most of that berming exists already from the previous Woodland development. That will essentially carry all the way around Leavenworth Rd. and for all intents and purposes what will be seen from the street or the public right-of-way on all sides because of that berming, because of the stream, because of the landscaping, as well as the previous stipulations to maintaining existing ridgelines on the site, it's relatively hilly and already wooded site. We feel like the only thing that we're going to see other than traffic in out of the development are the two entrances moving forward. There's also a third entrance on 99th St., but that is for emergency vehicles only. That's the second difference in change to this proposal.

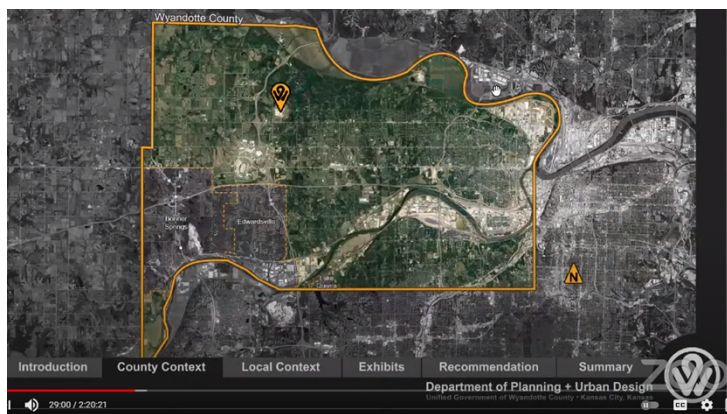
The third change is also a very significant one. We have received quite a few complaints about the construction. It is a very large construction site. Part of not being able to see these buildings was they had to do a lot of sinking of a lot of grading to get down into the site. They've been doing some blasting at the site. So, accordingly, we have added some conditions of approval to this that we're reviewed by the Planning Commission for construction related activities to hold them accountable to some standards there, we added those accordingly.

There are a couple of things that I wanted to mention just really quick as well. In the staff report, in front of you, regarding this case, condition No. 32 has an error. When the Planning Commission recommended approval, unanimously earlier this month, they made a motion to amend one of our conditions of approval specifically around the notification of, if construction were to go outside of the stated hours that we have in one of conditions of approval, to expand that to specifically say, that they wanted that to happen through electronic communication. The bidders of the Woodland Redevelopment project have a news—they have a newsletter that they send out on a weekly basis and they also do intermittent ad hoc announcements. We thought that was probably the most immediate notice that folks from the public can get, you can sign up pretty easily. UG would work to amplify those notices through our own electronic means, social network Nextdoor, things of that nature. In that conversation the Planning Commission also was discussing a potential change to one of the conditions to remove to not allow the storage of materials in their current trailer yard out there where all of the construction related offices are. They later amended that motion to remove the prohibition of the storage materials in that trailer yard. I apologize, I just did not carry that over into the minutes.

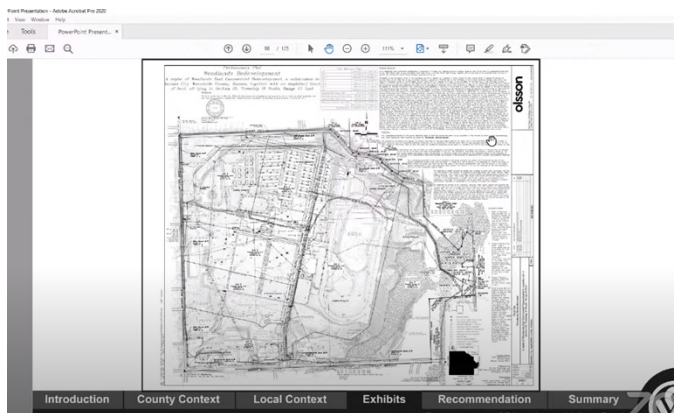
The last sentence in condition number 32, that says no storage of materials is to be located at the laydown area on 99th St. and all material storage areas much be screened from view of adjacent properties and the public right-of-way needs to be struck. That would not impact the recommendation of the Planning Commission as it shouldn't be in there in the first place. There would be still only need to be a simple majority to potentially pass this motion moving forward.

With that, there is one other thing I want to mention. I apologize, there's a lot here to unpack. This second entrance, also we added a condition of approval to screen the property owners across Leavenworth Rd. of that second entrance. If you all recall, on the original approval, we had a conversation about screening the properties across from the primary entrance and we developed a condition of approval similar to that for the property owners farther west on Leavenworth Raod, again, across from that second entrance that's proposed as a part of this condition. With that, there are no NOV's currently on the property. We have received opposition to this change of zone from the public. No letters of support. Staff agrees with the Planning Commission's recommendation for approval. I'm happy to take any questions.

Mayor Alvey asked, any questions for Mr. Hand before we open up the public hearing?



Commissioner Bynum said on Item 16, the property owner, the mitigation measure has been agreed upon and staff believe it will be a benefit. The applicant shall fully screen her front yard along Leavenworth Rd.



Then it states the zoning district only prevents a 4 ft. open fence in the front. I guess my questions are, the developer will provide the screening for the front yard, correct? But, then we're going to need a variance in order to make it in compliance with our own zoning. Is that right? **Mr. Hand** said potentially. We're currently working with both the lead designer on the project, Ms. Gardiner across the street, as well as the developer and others to go through a design review of that specific mitigation measure. In the last couple of weeks, the applicant's designer has reviewed a plan, a proposal I should say, a design proposal with the property owners that they were not in agreement with and so we're working for a second revision with the way that the condition was written that we all could come to an agreement. I think that we feel confident that we'll be able to reach a design solution with all parties. **Commissioner Bynum** said, okay. Just to make sure I understand, as one of the conditions of approval, Ms. Gardiner needs to be satisfied with what's going to happen on the screening of her property? **Mr. Hand** said that is correct, or as we like to say in the planning world, as soon as everybody is equally unhappy, we've done our job. **Commissioner Bynum** said, okay.

Korb Maxwell, Polsinelli Law Firm, appearing today on behalf of Scannell Properties. I have with me Shaun Cofer and Seth Reece from Olsson Associates. Mayor, I have a short presentation. Would it be okay if I shared that? **Mayor Alvey** said yes.

Developer



Korb Maxwell

Experience 29 years / 328 projects / 63,600,000 square feet developed	Geographic reach In Northern America: 44 states, 3 Canadian Provinces In Europe our focus is on the core markets of France, Italy, Germany, the Netherlands, Spain and the UK
Resources In-house team of architects, engineers, development managers, finance, legal and construction management with local market knowledge throughout the U.S and Europe.	Expertise National build-to-suit and speculative development of industrial, office, retail, government and multi-family facilities
Capitalization Financial capacity that allows us to fund investments and developments of any size, type or location without reliance on joint venture or third party equity sources, which ensures our ability to execute and deliver projects on time.	Structure Fiat organization that enables us to provide clients with greater accessibility to decision makers, faster response times, fluid communications and flexibility to changing conditions and client needs.



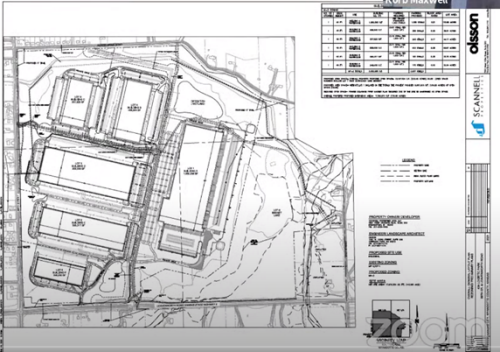
Mr. Maxwell said you all know that we come here with a unanimous recommendation from the Planning Commission, but I know there has been substantial discussions about this project and so I'm going to move really fast, Mayor, as I know you guys have a large agenda, but this is a large item and I want to make it sure that I take it through.

First, as you all know Scannell is an incredibly capable national developer of this project. Second, as we come here before you today, we're coming not with sort of a clean slate, we're coming through to this Commission with a fully approved plan. That plan was approved last summer, but we've come here to make substantial modifications to the plan, but all modifications that we think are improvements to the Unified Government in this process and to the neighbors and citizens as well. So, that plan that we originally had approved had five buildings. It had a very large, Lot 2, that was for Urban Outfitters, as everyone knows. That moved to the Speedway and is being constructed there, so there is no need for it. Most importantly, it also had access points on 99th St. It had an access point to the north for emergency vehicles and an access point to the south for retail. I think as all the Commission know, Commissioner Kane, Commissioner Bynum and many others that caused a lot of angst with folks on 99th St., so we've been working through trying to figure out how do we improve that. I was before the Commission in the winter with a second plan, a revised plan for that, that still had a point on 99th St. I think at that time we promised this Commission that we we're going to go back to the Planning Commission, we were going to look at the plan, we were going to work on that, and we were going to try to improve that so all could be satisfied and that's what we bring forward today here.

Current Proposed Plan

4/12/21 PC - unanimous approval

- 6 industrial buildings
- No retail component
- No 99th Street access (emergency only)
- Less trip generation than original plan
- Significant construction-related stipulations as described in the slides that follow



Kerb Maxwell

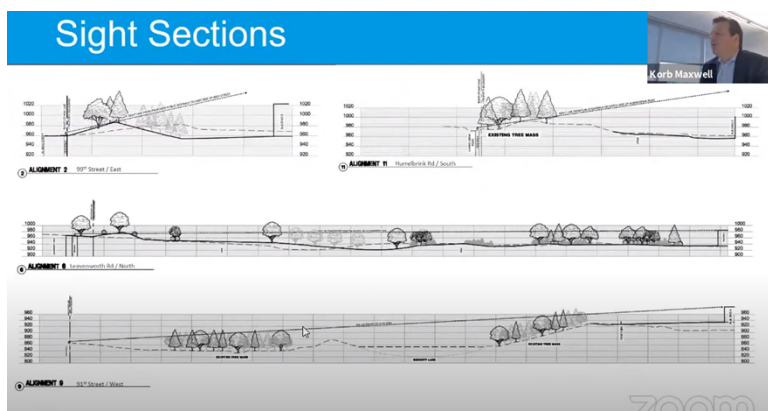
olsson

SCANNELL

We now bring forward a plan that is all industrial in nature and there are no access points to 99th St., but for a single emergency access point. This plan has substantially less trip generation and now as Gunnar highlighted, but I'm going to walk through, we have very significant construction related stipulations that have been added to the plan.



You will see the quality of the plan, these are Class A industrial buildings, substantial berming that's been put around it.



April 29, 2021

I can walk any of the Commissioner's through, but part of the Planning Commission packet and what we have with staff is substantial site line sections showing that the berming and the landscaping keeps the view of those on the sidewalk or the street that are around our project from not seeing the buildings out there.

Traffic



35% less daily trips than original, approved plan:

Traffic Impact Study	Total Daily Trips	Total AM Peak Hour Trips	Total PM Peak Hour Trips
May 2020	8,850	865	1,136
August/September 2020	9,222	921	1,187
Updated Site Plan	5,769	664	822

zoom

As I said, the traffic has moved down significantly with this new plan, over 35% from the original plan we had.





Here's just of a couple of perspectives and renderings that show the various buildings at full build out being what we, in Wyandotte County have become used to, a Class A industrial new built buildings with those substantial components of berming and screening.

Construction Impacts

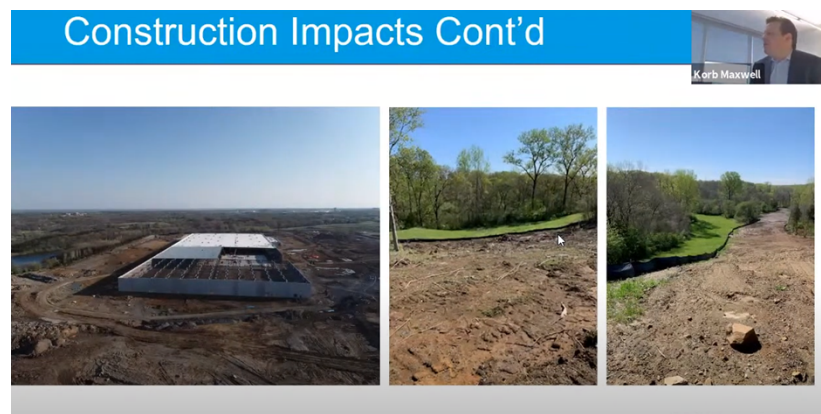
- **Why?** Extremely large building and aggressive schedule to accommodate extraordinary user and accompanying jobs and investment.
- **Noise & Duration:** Impacts are temporary – Sept. 2021 estimated completion. Batch plant goes away at completion.
- **Hours:** Large-scale, temperature-driven concrete pours are complete. Remaining slab pours and steel erection will be completed in May.
- **Dust:** 800-gallon water truck run constantly 8 hours/day. Street sweeping daily.
- **Runoff:** Silt fence along northern boundary. All stormwater prevention measures per permit requirements and determined satisfactory by UG/State inspections.

It is not often that I talk about this in a Planning Commission hearing, almost always, sorry, a Commission hearing, almost always in a rezoning process we are talking about items of zoning, land use, planning, ultimate conditions, but we know that this has had substantial issues with the neighbors, causes for concerns, complaints, that the commissioners had heard about that and so I want to sort of go through where we are in this process now, look at those stipulations and how we're handling this and really just talk about why we've gotten here and how we're going to do better through the future.

First, to the why. The why is really to the point that we are building a million sq. ft. building and that million sq. ft. building is being built on an incredibly compressed schedule for a very demanding tenant. That demanding tenant required that we have the building done on that schedule so that their substantial job creation of their investment could happen in this community and happen at this site. Because of that, it's led to a lot of the issues that we've had that we've

been having to mobilize crews and make it work through time. We understand that has an impact on those that have been here before us, the neighbors, and we are doing all we can both with staff, our contractors and Scannell to limit those impacts. The good thing is this is all temporary. We will be done with this Building A by September of 2021. The concrete batch plant that is bringing and doing the cement on site, which we think was a better use than having hundreds of cement trucks going in and out of the site. That will go away at completion and so those noise issues will happen.

We'll walk through the steps, but any of our large-scale, temperature driven, concrete pours that need to occur that have to happen over long periods of time when you're pouring a million sq. ft. slab, those are all almost done. I'll walk through some of the building perspectives and pictures that have been taken this week that should show that component is coming to a close. We were running out there an 800-gallon water truck every day, eight hours a day, when conditions call for it when it's not already wet out there. We're doing everything we can to keep down the dust and we'll continue to keep that going during all of the construction hours to the benefit of the neighbors out there. There's been some questions about silt fences and otherwise, they do exist. They're set with the factors that go to our stormwater prevention measures and the permits required by the UG and the state.



You'll see some of these silt fences. This is taken from our northern border, but I had pictures taken just today to show those silt fences and then this picture of the construction building was taken approximately this week. The reason that I show that site is that if you look inside underneath the roof, what you'll see is that the vast majority of the concrete has been poured. We really only have just maybe a third, maybe a fourth of the building left of that concrete slab to go.

That's why I was saying some of the issues that have caused great concerns for the neighbors will be done here in May.

Conditions of Approval, Impacts



- #29 – Hours of operation for construction shall be during daylight hours. Any exceptions for activities required to occur after hours (e.g. large-scale concrete pours and temperature-driven activities) require advance notice to the UG and coordination to facilitate e-notice to neighbors.
- #30 – No construction heavy truck traffic on 99th Street.
- #31 – No glare of lights on adjacent houses or towards public rights-of-way;
- #32 – Construction job trailers and associated parking to remain in current location and not relocate with subsequent phases.
- #33 – Batch plant to be hidden from view by existing berms within the development.
- #34 – Dust/dirt, trash, noise, glare must be minimized to not be intrusive in the single-family residences that border the site.

As Gunnar highlighted, but I just wanted to bring forward to the Commission, this is very rare that the UG has construction related stipulations on a rezoning and preliminary plan application. It's the first that I've been involved with, with all of my projects in the Unified Government, but we have six conditions. They're strenuous, they're hitting about hours of operation, they're looking at glare, construction traffic, they're looking at job trailers, batch plant, dust, dirt, trash, noise, all of those items have been highlighted and were agreed to by the Planning Commission agreed to with staff and agreed to by us as the applicant.

Conditions of Approval, Traffic



- Updated Traffic Impact Analysis required with each phase;
- No truck traffic on 99th Street;
- No 99th Street access to or from the site (emergency only);



With that, we also have some conditions of approval regarding the traffic that I talked about how this has gotten better.

Request

Approve COZ2021-006 consistent with:

- Staff's recommendation of approval in support of a better plan than what is currently approved.
- The Planning Commission's unanimous recommendation of approval.



Korb Maxwell




With that, Mayor, I apologize for taking some time. I apologize for going so fast. I'd be happy to answer any questions of the commissioners in this process, but we would ask for the approval. We believe this is a better plan. We believe this is responsive to a lot of the issues of the citizenry and we believe this will let us have a better project, not just for Scannell and their tenants, but for all of Wyandotte County. With that, I stand for any questions, Mayor, and thank all for their time.

Mayor Alvey said thank you for switching that out, I can get back to my directions. Do you have any questions for Mr. Maxwell?

Mayor Alvey opened the public hearing. Mr. Clerk, have we received any notification from the public who wish to express their comments in favor of this item? **Mr. Deichler** said, Mayor, we did not. **Mayor Alvey** said thank you.

Mayor Alvey asked is there anyone from the public who would like to speak in favor of this application? There were none.

Mayor Alvey asked, did we receive any notification from the public who wish to express their comments in opposition. **Mr. Deichler** said Mayor, we received two requests to speak from Maria Torres and Adrian Torres. **Mayor Alvey** said I will move to those next. Anyone from the public would like to speak in opposition. Maria and Adrian if so, please raise your hand to be acknowledged. Once acknowledged, you may state your name and address for the record, and you will be given up to three minutes to state your comments.

Mayor Alvey said I'm sorry. We did have someone to speak in support of this. I did not see that. Let's go back. **Greg Kindle**.

Greg Kindle, Wyandotte Development Inc., said I just want to be on record once again, that we appreciate, one, the role of everybody that has been participating in this conversation. I know it's not been an easy process, but honestly it has been really refreshing, frankly, to have the kind of interaction that we've had from staff, from the developer, and from the public. I particularly want to highlight the fact the gentlemen who spoke at the last Planning Commission meeting who appreciated the fact that Scannell and their contractor were sweeping the road, but we're sweeping some things into his yard and it just simply asked could everything be swept over to their side. It was an appropriate kind of interaction and Scannell and Mr. Maxwell all had the appropriate response which was, yes, that's a great common-sense way to approach this. We've been moving this project forward now, at least three neighborhood meetings. I don't know that I've ever seen a project quite like this. This location has a lot of emotional attachment by a lot of folks, but I do want to say that we appreciate the comments that have been made by Gunnar. We agree with his comments and the uses of this site. We believe there is an appropriate mitigation measures in place regarding the neighbors' concerns that Mr. Maxwell noted. We totally agree with removing the retail from this location to reduce the traffic count to control cars, and, frankly, it just wasn't going to be a fantastic location for retail in the long run. We think that getting trucks and any traffic off 99th Street, we appreciate the Commissioner's involvement in that discussion as well, and particularly making sure that there is no interaction with school busses. I think these conversations have all been moving in the right direction.

Finally, I just want to make a note that we should be very appreciative of the investment that Scannell is looking to make in this community. Amazon alone has no abatement on it. I know we're not talking about that particular part of the development, but I do appreciate the fact that we have a developer that is looking to put in about 3 million sq. ft. of investment in this community, the jobs to be created, property taxes to be generated. We ask that you would move this forward so we can continue to develop this site and bring this to fruition. Thank you.

Mayor Alvey said I'll recognize Ms. Torres and Mr. Torres.

Mr. Deichler said, Mayor, if I may real quick, we've had three people promoted. There was a Rebecca Gardiner and two of the Torres'. Nobody has contacted us for or against, so they're going to have to state their position here. I'm not sure where they fall in. **Mayor Alvey** said I did ask them if they want to speak in favor and they did not step forward. Is there any one wish to express their comments in opposition.

Lori Torres, 9828 Donahoo Rd., said (inaudible). **Mayor Alvey** said we're not able to hear you Ms. Torres.

Mr. Deichler said, Mayor, do we want to have Rebecca Gardiner speak. **Mayor Alvey** said yes, but let's make sure we get Mrs. Torres connected.

Rebecca Gardiner said I live across from the main entrance on Leavenworth Rd. at the Woodland's redo. I am not against what is being done over there, but I do have some issues with my wall that I was promised at the very beginning as a sound wall because of all the construction trucks and things like that that were going on. I know that will diminish as of very shortly when they finish this first building. But for me, it will not diminish, because then all of the Amazon workers and the Amazon trucks will be going in and out of that entrance right at my driveway. I do need that sound wall. I do not want it changed to just a vinyl fence or a screen of some kind. I do need a sound wall, and I need the adjustment for the height of it as it comes down that driveway so that the lights are not coming right into my house at night. I would appreciate that when it comes up to get approved.

I wanted to thank Seth and Sean. We've been talking a lot and working a lot. We're really trying hard to come to agreements on this. So far, everything has been very friendly, and I'd like to keep it that way. Thank you.

Mayor Alvey asked who else do we have connected at this time. **Mr. Deichler** said we do have connections with Lori Torres.

Mrs. Torres said I have a few comments to make. On April 5 I was awoken by a bunch of construction machinery, drove up to the Woodlands, found two police cars. One of the officers

says are you the one that called on all the noise? I said no. The police officer said, well they're not supposed to be working here until six or seven o'clock in the morning. I said I know. All I heard was all the beep, beep, beeping from the machinery. I think they drive around backwards 24 hours a day because that's all you hear. Then you hear the concrete machine plant and it echoes through the street road, the emergency road that is supposed to be used in the future, if that goes through there and that has a buzzer on it. It's not right to keep the neighbors up.

Also, the concrete mixer, you can see it, there's a little bit of a berm there, but it's not hidden, the concrete mixer isn't hidden. I think they're doing a poor job on that. They've got vinyl signs out there that Gunnar Hand said were temporary signs which are above and beyond the size that they should be. Gunnar Hand has known about this from the beginning because I've said that's not right. I don't want our neighborhood trashed any more than it is. With all the dirt coming in, with all the noise coming in, with all the signs being up, I mean, you guys made that guy out there take that the Patrick Mahomes mural off his house. Put the right size signs up there. I want to keep our neighborhood as consistent as it should be across the town. **Ms. Godsil** said you have one minute remaining. **Ms. Torres** said also, KDOT approved that second entrance and I shouldn't have to call the EPA on all the dirt on the road. One day I was stopped at 99th St. at the stoplight, that street sweeper came up. After he got there and had that thing running, I had zero visibility out my windows. That's how much dirt was on the road and he was throwing it in the air. This is getting a little bit crazy. They say, oh, we got a street sweeper. All it does is blow dirt up in the air and all over everybody's cars and houses. I mean, something has to be done. They say they're doing this and doing that, you've got to put some elbow grease to that. **Ms. Godsil** said your three minutes are up.

Mayor Alvey asked are there others that would like to speak? **Ms. Cobbins** said nobody else is shown. **Mayor Alvey** said hearing none, I will now close the public hearing.

Mayor Alvey asked would the petitioner like to make any closing comments.

Mr. Maxwell said I think I addressed all of those items in my presentation at the beginning, giving an explanation of how we got here, where we've been through, the things that Scannell is doing to be responsive to all of these changes or all of these concerns. The stipulations that were added

through the Planning Commission process and with the planning staff in this process to be responsive to these neighborhood concerns to try to be a good neighbor, to work through this. I will say again, this is all construction related. It's all temporary. The end is coming very soon, that September we're done with construction on Building A, but even May, we're done with all of the concrete pours out there. I know this is an impediment on the neighbors and we take that all very seriously. We're trying to be the best neighbors we are, we're out sweeping the street because of dirt. I don't know anybody else that goes out and sweeps the street every single day. We're trying to be a good neighbor and a good community partner through this. We'd ask for the support of this Commission and we will do our best to handle all of these issues with staff, with this Commission, and with this Unified Government to build a wonderful first-class economic development project for this county.

Mayor Alvey asked do any members of the Commission have any questions or comments?

Commissioner Kane said about two weeks ago there was a truck parked right there at the main entrance. The son that lives across the street with his mom walked over and started talking to the truck driver and this is like 5:30 in the morning and only asked him to turn his lights out and the guy refused to do that, in fact, he cussed him out. As Mrs. Torres said, when she went around the corner, she sent me the pictures of the truck being parked there for an extended period of time.

Then about two weeks ago one of the guys on Hurrelbrink called the EPA because the dust was so bad. I know we're doing something, but I'm not sure it's enough. They are not working inside the guidelines that we have given them. How do we monitor that and make sure that they do? I know some people like this project, and some don't. I just want them to follow the guidelines while they're performing their job function. Somebody needs to be held accountable. Mr. Maxwell, I know that you represent them the best you can, but they're not representing themselves when people out there complaining and they turnaround and start chewing out and cussing out the people that are there. It's very important that we work with the community and the neighbors to make this work. Right now, those folks are not cooperating with the neighborhood, and we need to figure out a way to make them cooperate.

Mayor Alvey said I will add my own comments to this. This is in a way a unique project in that it did not ask for any incentives. I understand that it is moving very quickly, but as Commissioner Kane points out, there is a disconnect perhaps from Scannell and the people doing the construction. That's hard because it should not come to the Unified Government to have to go out and certainly not to the neighbors to have to keep monitoring this and reporting on these things. I would suggest that Scannell has a reputational risk here, that if they were to come forward again into Kansas City, Kansas, I think there is going to be a different look at what they might propose based upon this experience. If they do want further opportunity in Kansas City, Kansas, they really need to be doing everything they can, in fact, monitoring it so that we know about things from them before the residents report to us. That is just my thoughts.

Commissioner Ramirez said thank you, Mr. Maxwell, for coming before us and presenting this application. I just want to second the comments of Commissioner Kane and Mayor Alvey. My question to you Max—Korb, and you may not be able to unless the applicant is online. Why was there a disconnect with the construction company working at what I—forget what time Ms. Torres said, but how or why was that allowed? **Mr. Maxwell** said thank you, Commissioner Ramirez. First, Mayor, Commissioner Kane, I couldn't agree more. I understand and empathize with those points, and I empathize with Mrs. Torres and others out there. I fully understand the components. Scannell, myself, McCownGordon, we've all talked about that deeply and we really are trying to do our best and we'll rededicate ourselves and I understand the monitoring point and I think we can work with staff on that issue.

Commissioner Ramirez, it really goes, and I was sorry if I was a little cryptic in my presentation. It goes to the fact of when you're pouring a million sq. ft. slab and that slab has to be within a temperature controlled and can only move a few different degrees during the periods of time and it can't dry for the periods that your pouring right, you've still have to be working with wet cement to get it across the whole entire place and I apologize. I'm obviously not a construction person, but knowing these questions would come. I asked it deeply of both Scannell and McCownGordon and our engineers and others. The answer was in that to be able to pull that slab and get it done within the timeline and otherwise that would be why we started so early in the morning and then we'd have to pour all through the day into the early evening. It was literally 14, 15 hours of straight pours happening all through the early morning into the night. That's not great

and I understand the impact that has had on folk's lives. I don't like it. Scannell doesn't like it. McCownGordon doesn't like it. It was truly being able to keep up with the schedule of what we had to do to deliver to this tenant to get the jobs and the investment. It stinks. It's not where any of us wanted to be. The good thing about this is Mrs. Torres said April 5, I think that was seven days before our Planning Commission. Nothing has happened that I know of since our Planning Commission and since the time we're here.

I understand there's no reason to pat us on the back for being good guys for 14, 15 days, but I've asked significantly about what's left, what is happening, and we should be done with all of those concrete pours through May. My understanding is that none of those concrete pours will need to start in the wee hours of the morning. We should be able to work through and work in more normal business hours, get this done, and that's why we built into the steps that if we need to go outside of that in any form or fashion, we need to notify all of the UG planning staff so that's out there, and we need to be able give out e-notice to neighbors because we do have a website list, an email list for those that are interested in the project that McCownGordon keeps that we get out to folks. I hope that helps, I hope that helps, I hope that answers—Commissioner, I'm sure it's not fully satisfying out there, but it is the sort of cards we've been dealt of trying to get this project done and get it out of the way and be able to move on to sort of non-construction site in this project.

Commissioner Ramirez said Korb, thank you for your answer, that does help. Just to reiterate what Mayor Alvey said, you know, make sure there's not that disconnect between Scannell and the construction company and ensure that we're listening to the community and following what the community wants. But thank you. Thank you very much for your explanation. **Mr. Maxwell** said absolutely, Commissioner. Again, Mayor and Commissioner Kane, I know that even in the biggest—even the smallest of projects, it's hard to control every trade person out there and what they could or could not say to someone, but fully, 100% Commissioner, that's unacceptable. We should not be having people saying things like that to neighbors. I know that is not how Scannell treats constituents. I know that's not how McCownGordon feels. We will once again send that through the ranks to say this is people's lives, this is people's homes, and all of them must be treated with respect.

Commissioner Kiernan said, Mr. Maxwell, you really just said it right there. I appreciate the fact that now through the stipulations, neighbors will be notified in advance of the full scope of

anything that's about to happen. But what I hope for your client and for everybody else who comes into Wyandotte County, don't wait for that to be a stipulation. Go out of your way, upfront, to communicate with the neighbors. Here's what's going to happen, it's going to be for five days, we're going to be here. This is why we need to do it. Get everybody on board ahead of time, whether that be a text message, a phone call, an email, a door hanger, a door knock. I think it's really important that we improve our ability—and this is across every function in Wyandotte County, but we need to get better at communicating with each other beforehand, not catching up after the fact. I'm confident that you will now, moving forward, be proactive in your communication. I just hope that as we all go forward that's baked into the process from the very beginning. **Mr. Maxwell** said well stated. We'll do all we can, Commissioner McKiernan, now that we're on notice and you know that we try that in all of our projects in all of the clients we represent.

Commissioner Kane said Mr. Maxwell, sir, I respectfully request a meeting with you and them so we can let them know how important it is to follow the guidelines that they've been given. **Mr. Maxwell** said done. **Commissioner Kane** said thank you. **Mr. Maxwell** said absolutely, Commissioner, tell us when, tell us where, onsite or otherwise, we're happy to be there. **Commissioner Kane** said I will contact you tomorrow. **Mr. Maxwell** said thank you, sir.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Philbrook, to approve Change of Zone Application COZ2021-006, subject to the stipulations.** Roll call was taken and there were ten "Ayes, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 - 21793...SPECIAL USE PERMIT APPLICATION SP-2020-97 - RIAD BAGHDADI WITH RB ARCHITECTURE/ENGINEERS

Synopsis: Special Use Permit for auto sales, repair and body work at 927 Kansas Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Riad Baghdadi, on behalf of the property owner, is requesting a Special Use Permit to develop the property to operate a new automotive repair, auto body, and used car sales business. The applicant

and the property that is to contain the proposed use received a Notice of Violation in 2018 for a property maintenance violation. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP-2020-97, for two years, subject to:

1. Preserve and restore the original architectural features of the original building, especially the marquee, clay tile caps on the roofline, brick face and window ledges. The concrete block remaining as part of the original store front must be stripped of any surface paint and recovered in stucco of a secondary color. The brick for the north façade of the building addition shall be a secondary color different from the original brick;
2. The east, south, and west facades must be finished in the secondary or tertiary color. Concrete masonry units are not allowed to be the finish material. The facades must be 100% covered in a masonry material, either brick, stone, or stucco. The lower third of the building on all sides must have stone or brick wainscoting using material to match the primary brick of the original storefront façade;
3. This business is proposing to locate adjacent to Morrie's Auto Sales and Service, an existing use. This Special Use Permit will apply only to 927 Kansas Avenue. There cannot be any shared work, inventory, storage, or property access with another business or another property under this Special Use Permit;
4. If vehicles at this business will be shipped from offsite, Applicant shall identify this "other location", and if it is located in Kansas City, Kansas that it is also compliant with, or exempt from, all requirements of Ordinance 27-593(b)(19) or 27-593(b)(20). If that "other location" is located in Kansas City, Kansas, a shared parking agreement may be required to show that this activity will not overwhelm the parking or storage at that "other location";
5. Plans revised on 3/05/2021 show eight parking stalls designated for customers and nine parking stalls designated for vehicles for sale;
6. Hour of operation shall be from 8:00 AM to 6:00 PM, six days a week;
7. Must plant two shade trees in the parking lot islands, in addition to other landscape elements and property upgrades to comply with the commercial design guideline standards. All landscape elements must be served by an automatic irrigation system. Applicant does not show trees in the parking lot islands and has instead provided additional trees in the property landscape areas along Boeke Street;
8. Applicant must install a ten-foot-wide concrete sidewalk in the public right of way of Kansas Avenue along the entire length of the property, and a five (5) foot wide concrete sidewalk in the public right of way of the west side of Boeke Street for the entire length of the property from the corner to the alley to the south. The entire remaining eastern portion of the property between the building and the sidewalk along Boeke Street must be improved with a landscape bed that is planted to meet the increased requirements of the commercial design guidelines standards for number and variety of size and species. Applicant is responsible for acquiring all required construction and right-of-way permits;
9. Must install an open metal fence with columns on the north side and solid metal privacy fence with columns on the south side of the property that complies with the commercial design guideline standards;
10. Must maintain a business license with the Business Licensing Department;
11. Staff Response (to plan revised on 3/05/2021): Applicant has revised their variance application #BOZA 2401, to now require only eight parking stalls for this building. The Site Plan was revised on 3/05/2021 to show eight required parking stalls in the northern

- half and nine parking stalls in the southern half for display of vehicles for sale. The maximum number of vehicles on the property for sales inventory is limited to nine vehicles, which must be parked only in the parking stalls designated for vehicles for sale, or stored inside the building, but not to exceed nine vehicles for sale at any time;
12. No on-street parking of vehicles for sale. All vehicles on-site for repairs or maintenance must be stored on the property;
 13. No auto repair or servicing is allowed outside or in public view;
 14. Must install and maintain proper parking lot striping and ADA requirements. The center drive aisle in the parking lot shall not be less than 22 feet to accommodate two-way traffic utilizing the right-in/right-out entrance drive. The details for improvements to the south alley will be reviewed by Public Works and Planning Engineering Staff during the development application and will be resolved before the issuing of a building permit;
 15. Must obtain a sign permit for all signage;
 16. Inoperable vehicles are only allowed to be stored inside the enclosed building. Any inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with 27-469(c)(2).
Staff Response (to Plans revised on 3/05/2021): Applicant has not proposed any screened parking areas; therefore, inoperable vehicles cannot be stored outside of the enclosed building at any time;
 17. No storage or warehousing of salvaged or wrecked automobile parts on the property. Storage of salvage parts requires M-3 Zoning and a separate Special Use Permit;
 18. The Special Use Permit requires final site plans prepared by a Professional Engineer licensed in the State of Kansas. Provide a final site plan showing property lines, existing buildings, proposed parking spaces, drive aisles, building elevations, fence elevations, gate details, trash enclosure details, etc., as applicable in accordance with UG standards and criteria;
 19. Vehicles shall not be parked on the right of way of Kansas Avenue in front of the property. Vehicles shall not park on Kansas Avenue or Boeke Street at any time;
 20. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
 21. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 22. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be

considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,

23. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP-2020-07 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 2 – 21787...SPECIAL USE PERMIT APPLICATION SP2021-001 - TIMOTHY PAXTON

Synopsis: Special Use Permit for a storage container for tools at 3319 North 59th Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Tim Paxton, is requesting a Special Use Permit for storage of commercial tools on a private residence. The tools will be stored in a detached accessory structure that has been proposed to be built on the property sole for this purpose. There are currently no other detached accessory structures on the property. A Notice of Violation for environmental/junk was issued to the property on November 5, 2020. As of January 8, 2021, the applicant has requested an extension on the removal deadline due to the snow. Code Enforcement records show that as of February 9, 2021, all inoperable vehicles have been removed from the property, but it is unclear if the noted junk (trash, old appliances, etc.) were still present on the property. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2021-001, for two years, subject to:

- 1) Keeping a container is not in line with the SOAR goals, which is to reduce blight and degradation in neighborhoods. The Unified Government Board of Commissioners has repeatedly stated this goal at multiple public hearings. A permanent detached accessory structure shall be constructed to keep tools and ancillary items within two years of this permit;
- 2) Driveway must be paved, per nexus of planning entitlements and the relevant Director’s Interpretation;
- 3) The applicant has filed and maintained a current business occupation tax application;

- 4) A fence must be fully erected and screening the storage container before the Special Use Permit can go into effect;
- 5) No chemicals or otherwise combustible or flammable material may be stored within the storage container;
- 6) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 7) The Special Use Permit shall be valid for two years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
- 8) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2021-001 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 3 - 21788...SPECIAL USE PERMIT APPLICATION SP2021-003 - SHEILA A. OHRENBURG WITH WESTER HOLDINGS, LLC

Synopsis: Special Use Permit for a beer hall (in former foundry) at 101 Central Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Sheila Ohrenberg, is seeking the approval of a Special Use Permit to allow for the operation of a beer hall in a former foundry at 101 Central Avenue. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2021-003, for two years which included the amended condition to acquire a right-of-way permit, subject to:

1. Hours of operation are limited to the following: Sunday to Thursday – 11:00 AM to 7:00 PM; Friday and Saturday – 11:00 AM to 9:00 PM;
2. All food trucks serving food on site must have a business license, sign agreement with the applicant, and comply with all other relevant ordinances regulating food trucks or prepared food vending vehicle;
3. Any future live entertainment will require either a Special Event Permit or a Special Use Permit for live entertainment;
4. The applicant must comply with the submitted landscaping plan;
5. The property must maintain the current number of parking spaces, which is 26 total spaces, four of which are ADA compliant, except if an amendment is allowed by the City Planning Commission and approved by the Board of Commissioners;
6. Business License (new business): If approved, the applicant will need to file and maintain a current business occupation tax application with this office;
7. A building permit is required for a change of occupancy. Please contact the Building Inspection Department to begin that process;
8. Applicant acquires a right-of-way agreement from UG Public Works to add the recommended parking they are requesting on 1st Street.
9. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
10. The Special Use Permit shall be valid for two years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
11. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2021-003 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 4 – 21789...SPECIAL USE PERMIT APPLICATION SP2021-008 - LEXI MCDANIEL

Synopsis: Special Use Permit for a banquet facility in the evenings and weekends at 1000 North 82nd Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Lexi McDaniel with Lexxis Salon, is requesting a Special Use Permit for a mixed-use facility that will serve as an education/job skill training facility during the day for adults with learning disabilities (which is not part of this Special Use Permit request). On nights and weekends the applicant proposes to convert the facility into a banquet hall. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2021-008, subject to:

- 1) Sec. 27-464(c)(9) Retail businesses with parking areas or other outside customer-oriented areas within 100 feet of any residence shall restrict hours of operation to between 6:00 AM and 1:00 AM of the following day;
- 2) Per Business Licensing Division: If approved, the applicant will need to file and maintain a current business occupation tax application with this office;
- 3) Per Building Inspection Department: A building permit is required for a change of occupancy. Please contact the Building Inspection Department to begin that process;
- 4) According to Sec. 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
- 5) The applicant has provided a floor plan configuration demonstrating 40 seats. No banquet seating arrangement may exceed 40 seats;
- 6) Conformance with the Commercial Development Guidelines Overlay District—unless a deviation is requested—as outlined in the “Staff Comments” section of this report;
- 7) Conformance with all parking lot and landscaping requirements, as outlined in the “Staff Comments” section of this report;
- 8) Conformance with all building element requirements, as outlined in the “Staff Comments” section of this report;
- 9) Conformance with all exterior screening requirements, as outlined in the “Staff Comments” section of this report;
- 10) At least 10 parking spaces must be provided;
- 11) Any signage must comply with the sign code and be permitted through the Department of Planning and Urban Design;
- 12) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
- 13) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 14) A parking agreement is to be filed with the Register of Deeds for the parking provided by the training facility owned by the applicant next to this property to be used for the event space;
- 15) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner

and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

- 16) The Special Use Permit shall be valid for two years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
- 17) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2021-008 for two years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 5 – 21782...SPECIAL USE PERMIT APPLICATION SP2021-012 - MICHAEL AND ANDREA GEKAS

Synopsis: Renewal of a Special Use Permit (SP-2019-26 - expired 4/25/2021) for a Short-Term Rental/AirBnB at 2716 North 119th Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicants, Michael and Andrea Gekas, are seeking the renewal of SP-2019-26, which expires on 4/25/2021. The Special Use Permit allows for the operation of a short-term rental at 2716 North 119th Street. This is not the applicants’ primary residence. They live on the adjacent property. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2021-012 for two years, subject to:

1. No more than six guests are allowed to stay at the short-term rental at once;
2. As the property managers, the applicants must provide and maintain their current contact Information with their neighbors, as defined as property owners within 200 feet of the subject property, and must update said neighbors if any contact information changes;
3. All parking must be off-street, maximum number of vehicles is two;

4. The applicants must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
6. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133
www.hostcompliance.com/tips;
7. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
8. The Special Use Permit shall be valid for two years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
9. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2021-012 for two years, subject to the stipulations. Roll call was taken and there were ten "Ayes," Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

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ITEM NO. 6 – 21790...SPECIAL USE PERMIT APPLICATION SP2021-019 - JOSH AND ALLYSON BRANDON WITH BEAUTIFULLY BARE LP D/B/A THE BAR

Synopsis: Special Use Permit for live entertainment in conjunction with bar at 6720 1/2 Kaw Drive, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicants,

Josh and Allyson Brandon, are seeking the approval of a Special Use Permit for live entertainment at an existing drinking establishment known as The Bar. The applicants state that they wish to have small-scale shows and will not exceed the maximum occupancy of the establishment, which is 63 people. This property has been continuously operating as a drinking establishment, under various ownerships, for over 20 years. Because it has been continuously operated as a drinking establishment without interruption, no Special Use Permit is required for serving of alcoholic beverages, however, the code does require the approval of a Special Use Permit for live entertainment. There has been one Notice of Violation on this property in 2009 for unpermitted signage. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2021-019, for one year, subject to:

- 1) Applicants have stated that they will not allow more than the maximum occupancy of the building, which is 63;
- 2) The applicants shall successfully obtain and/or maintain a proper liquor license through the Kansas Department of Revenue Alcoholic Beverage Control;
- 3) The applicant shall comply with all local laws pertaining to the sale, distribution, and consumption of alcohol on and off tavern premises;
- 4) Live events shall not exceed more than three per calendar week;
- 5) Noise from normal activity and from live entertainment shall not disturb the neighboring properties. Regardless, the noise level shall not be greater than 80 decibels at repeated intervals for a sustained length of time at any point on the property line and the day-night noise level average shall not exceed 65 decibels for any residence for a sustained period, per Section 27-469(c)(1)c;
- 6) The windows and doors shall remain closed during any live entertainment events that increase the noise volume above normal bar operations;
- 7) The applicants are required to produce an acceptable security plan by April 21, 2021, before being granted approval by the Board of Commissioners (This has been completed);
- 8) A scale parking plan demonstrating compliance with minimum parking standards must be provided and verified by Staff by April 21, 2021. If the applicants cannot demonstrate that the minimum number of striped and paved parking spaces can be provided, then a variance from the parking minimum will be required (This has been completed);
- 9) According to Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
- 10) Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
- 11) The applicant must file and maintain a current business occupation tax application and entertainment license;
- 12) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is

compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

- 13) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
- 14) The Special Use Permit shall be valid for one year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2021-019 for one year, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 7 – 21783...SPECIAL USE PERMIT APPLICATION SP2021-020 - BRYAN RUOFF WITH 3F30 ARCHITECTS

Synopsis: Renewal and expansion of a Special Use Permit (SP-2019-56 - expires 5/30/2021) for a liquor store with packaged liquor sales at 3801 Leavenworth Road, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Bryan Ruoff with 3F30 Architects on behalf of the owner, has applied for a special use permit to renew and expand the liquor store by removing a shared tenant wall. The liquor store will be 2,495 square feet located at 3801 Leavenworth Road. From 2005 to 2008, there were a series of Code Enforcement violations included illegal dumping and equipment siting on site, weeds and trash, vehicles parked on unimproved surfaces, vehicles improperly licensed and graffiti on the building. The current owner was not the owner during this period. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2021-020, for five years, subject to:

1. Alcoholic liquor, CMB, non-alcoholic malt beverage, and any other goods or services may be sold in a retail liquor store. Lottery tickets and cigarette and tobacco products with

proper licensure may be sold in a retail liquor store. Sales of other goods and services must not exceed 20% of total gross sales. The 20% excludes lottery, CMB and cigarette and tobacco product sales.

If sales of other goods and services from a licensed retailer premise exceeds 20% of total gross sales, all sales of other goods and services exceeding 20% will have to be made from a separate, unlicensed premises. If each premise does not have a separate outside entrance, a vestibule is required;

2. The hours of operation will remain the same and are per the hours allowed by the State;
3. Employees will be one or two per shift;
4. Security will remain the same with multiple cameras in operation;
5. If the property is sold, the associated Special Use Permit cannot be transferred;
6. Per Sec. 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
7. Per the Business License Division:
 - a. The business has filed and maintained a current occupation tax application;
8. Per Building Inspection Department:
 - a. A building permit is required for a change of occupancy. Please contact the Building Inspection Department to begin that process;
9. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
11. The Special Use Permit shall be valid for five years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2021-020 for five years, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 8 – 21683...SPECIAL USE PERMIT APPLICATION SP-2020-105 - MONSERRATT PEREZ-MERA

Synopsis: Special Use Permit for a shipping container at 3500 North 32nd Terrace, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Monserratt Perez-Mera, is seeking the approval of a Special Use Permit for the purpose of using a shipping container as a storage unit on the property. The structure is a used container from Transport Specialist, LTD. The container was previously used to store furniture. The Special Use Permit is being sought in conjunction with a Variance, BOZA 2407, to have an accessory structure without a primary structure. There has been one Notice of Violation in 2020 for a camper on the vacant lot. The property owner has stated that no one lives in the camper. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application SP-2020-105, subject to:

- 1) Shipping containers are temporary in nature and a permanent solution for the storage of personal items shall be sought within the next two years (i.e. a detached accessory structure on a foundation);
- 2) Container must be placed on an improved surface. All parking, loading and maneuvering areas except those serving single-family dwellings or agricultural uses shall be graded and surfaced with a permanent bituminous or concrete pavement. The minimum such surface shall be two inches of asphalt over six inches of compacted gravel;
- 3) Only personal items such as recreational vehicles and items for property maintenance are allowed to be stored in the container. Storage of commercial inventory or equipment is not allowed;
- 4) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 5) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,

- 6) If approved, the Special Use Permit shall be valid for two years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

Commissioner Townsend said two months ago in a prior Planning and Zoning meeting of this body this application came forward and at that time I asked for, and was granted by this body, additional time in which to talk with the applicant to see if there were alternatives to what she was seeking which was the use of a freight container to store ATV equipment.

You might recall that at the first presentation of this application there were long time neighbors in the area who opposed it, and at that time, and since, I also made mention of the fact to the applicant that the use of these storage containers in their raw form is not what this Commission has been faving for the last several years. I did talk with the applicant several times over those last months and it came to my attention, courtesy of Mr. Hand's office, that the applicant was granted a variance which would allow her to build an accessory structure without having had a primary structure on there. So, by use of this variance, she will have the storage space that she will need and the citizens who oppose the look of this container, and the use of it, will not have to tolerate it's looks, and therefore, I'm requesting and making a motion that the application for the container be denied since by the variance, she has the right to build the storage facility that she seeks.

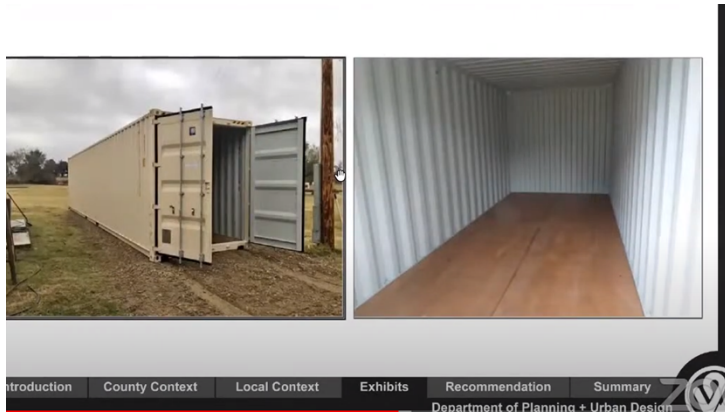
Action: **Commissioner Townsend made a motion to deny Special Use Permit Application SP-2020-105.**

Case	
SP-2020-105	
Petitioner	Address
Monseratt Perez-Mera	3500 North 32nd Terrace Kansas City, Kansas 66104
Synopsis	
The applicant, Monseratt Perez-Mera, is seeking the approval of a Temporary Use of Land Special Use Permit for the purpose of using a shipping container as a storage unit on their property. This is not the applicant's primary residence. BOZA 2407 was approved on February 8, 2021.	
Introduction County Context Local Context Exhibits Recommendation Summary	

Gunnar Hand, Director of Urban Planning and Design, said as Commissioner Townsend mentioned, this case was also heard earlier this year in conjunction with BOZA20410-0041 which was again, for an accessory structure without a primary structure. We did have several conditions of approval related to the maintenance of the site and the cleanliness of the site, but as Ms. Townsend had noticed it and when this was originally held over 60 days ago, she had communications both with the applicant and myself on an alternative solution. If you recall from that original presentation two months ago, this was a temporary use of land SUP with the intent that they would have storage container only for two years so that they could find a permanent solution. I believe Commissioner Townsend has worked with the applicant to encourage them and persuade them to do a permanent solution, i.e., that shed with a building permit now as opposed to the storage container. Staff recommends the Commissioner's intent to recommend denial.

Mayor Alvey asked is the applicant present and would like to present her application. **Mr. Hand** said I do believe she's in attendance tonight.

Mayor Alvey asked is there anyone present who would like to speak in favor? Have we received any notification from anyone who would like to speak in favor? **Mr. Deichler** said it looks like the applicant has been promoted but did not speak. **Mayor Alvey** her hand is raised. **Mr. Deichler** said yes, she's a panelist. **Mayor Alvey** asked, Ms. Perez-Mera, would you like speak to your application. **Ms. Perez-Mera** said yes.



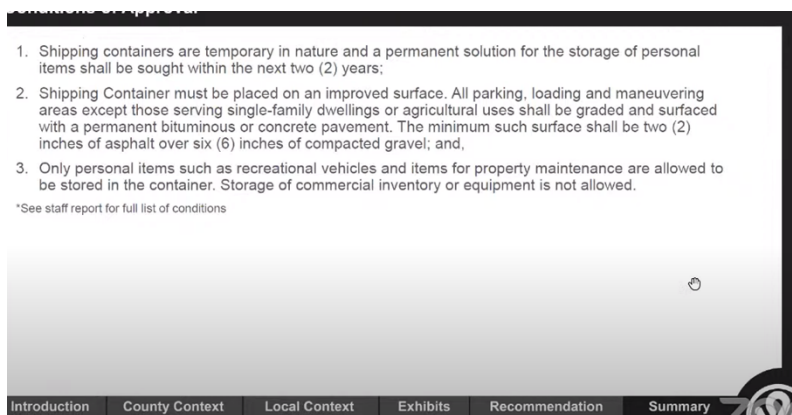
None to date.	None to date.
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Staff Recommendation

Approval

Introduction County Context Local Context Exhibits Recommendation Summary

Department of Planning + Urban Design



Monseratt Perez-Mera, 3500 N. 32nd Terr., said I've only been in contact with the counselor twice. Both of those times she didn't really talk to me much besides telling me the fact that it was not going to be approved and that I need to find something else. Since then, she's not been talking to me. We haven't come to a conclusion or something similar, but I do—I have asked her for something similar like a shed, if that could be approved, but it's only up to you guys for now.

Mayor Alvey asked is there anyone present who would like to speak in favor? **Mr. Deichler** said we do not. **Mayor Alvey** asked, have we received any notification? **Mr. Deichler** said we have not. Is there anyone present who would like to speak in opposition? Do we have any notification? **Mr. Deichler** said the Clerk did not receive any notification. **Mayor Alvey** asked anyone present who would like to speak in opposition?

Mayor Alvey closed the public hearing. Any questions or comments from the Commission?

Commissioner Townsend said I believe Ms. Monseratt Perez-Mera and I clearly have a difference of opinion in what she recalls was the conversation. Not only did I tell her that it was not the desire of several of the neighbors, which spoke on the record at the first meeting, I did tell her that, I, as in-district Commissioner did not approve it, but it would be up to this body as a whole. Nevertheless, what she seeks to have, which is storage space, before I even knew in my numerous times speaking with her, she's already been granted what she's seeking.

Just for the record, I did not encourage her for the variance, that had already been done. I was not aware, when I spoke to her, that it had been done. I did contact her after and told her that's what she had. She did have what she was seeking in terms of an option to private storage. I do

believe it is the burden of someone who owns property or private items like ATV's to be able to finance how that's going to be taken care of and that includes storage. Apparently, at some time prior to this application, that's how these vehicles had been stored. I believe that it is the responsibility of the owner of such things, not the communities, to bear the burden of that. Again, there has been a variance granted. Mr. Hand can give you the date of that. I do not support, as the in-district Commissioner, the use of this trailer for storage and, therefore, again, I move for a denial of the trailer, the SUP for the trailer.

Commissioner Ramirez said if we were to deny her special use permit, I believe it was for the container, clearly, she was granted a variance for an accessory structure without a primary. My request for, and I hope Commissioner Townsend I am not overstepping my bounds since this is not my district, but if we were to deny her SUP, but someone from our Planning Department maybe reach out to her and help her understand what exactly she can do with a variance because it seems that she may not know what she can do, that she can have the storage, but just help give her some clarification on what the variance actually means. **Mr. Hand** said, Commissioner Ramirez, I can have the staff member that worked on this case contact Ms. Perez-Mera tomorrow. As everyone has said to clarify, she can walk in tomorrow and get a building permit assuming her shed is over 120 sq. ft. for that property with or without this SUP.

Commissioner Markley seconded Commissioner Townsend's previous motion for denial.

Misty Brown, Chief Counsel, said before we vote, Mr. Mayor, I just want to clarify Commissioner Townsend's rationale for moving for denial. I believe I understand it, but I just want to ensure it's articulated. For the record, what I heard, Commissioner, was the denial was based on the variance was granted so this application is unnecessary and essentially, mute, but I don't wish to put words in your mouth, Commissioner. **Commissioner Townsend** said I would agree that it is mute in that it meets her stated need, which was storage space. I've said on the record before, as in-district, I did not favor the use of these storage containers. That's not how aesthetically this Commission has been moving over the last several years. But as to this particular case, the need that she expressed for storage has been met. That was met even before I asked to have this set-aside to continue to talk to her.

I also reached out to other Commissioner's to even find other options, so I guess that answers your question, Counselor. You tell me? **Ms. Brown** said it does, Commissioner, thank you.

Mayor Alvey said we have a motion to deny the petition and a second.

Roll call was taken on the motion and there were nine "Ayes," Philbrook, Bynum, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters; and one "No," Burroughs.

VACATION APPLICATIONS

ITEM NO. 1 – 21794...VACATION APPLICATION VAC2021-001 - BOB BECKER WITH LEGENDS 267, LLC

Synopsis: Vacation of electrical easement 1 at 1879 Village West Parkway, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Bob Becker of Legends 267, LLC, is requesting the vacation of an electrical easement at 1879 Village West Parkway. This property was recently approved for a Change of Zone to RP-6 High Rise Apartment District and a Master Plan Amendment for High Density Residential for the purpose of developing a 267-unit apartment building. The building will have three stories of parking and five stories of residential space. The electrical easement vacation is necessary to begin construction of the project. This vacation request is being heard in conjunction with VAC2021-002, VAC2021-003, and VAC2021-004. The Planning Commission voted 8 to 0 to recommend approval of Vacation Application VAC2021-001, subject to:

- 1) Approval of simultaneous vacation cases VAC2021-002, VAC2021-003, and VAC2021-004;
- 2) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,
- 3) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

AND

April 29, 2021

ITEM NO. 2 – 21796...VACATION APPLICATION VAC2021-002 - BOB BECKER WITH LEGENDS 267, LLC

Synopsis: Vacation of electrical easement 2 at 1879 Village West Parkway, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

AND

ITEM NO. 3 – 21797...VACATION APPLICATION VAC2021-003 - BOB BECKER WITH LEGENDS 267, LLC

Synopsis: Vacation of sanitary sewer easement at 1879 Village West Parkway, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

AND

ITEM NO. 4 – 21798...VACATION APPLICATION VAC2021-004 - BOB BECKER WITH LEGENDS 267, LLC

Synopsis: Vacation of utility easement at 1879 Village West Parkway, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan made a motion to approve Vacation Application VAC2021-001, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters,

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan made a motion to approve Vacation Application VAC2021-002, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters,

April 29, 2021

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan made a motion to approve Vacation Application VAC2021-003, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters,

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan made a motion to approve Vacation Application VAC2021-004, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters,

MISCELLANEOUS - ORDINANCES (The following ordinances formalize previous Commission approval.)

ITEM NO. 1 – 21775...ORDINANCE

Synopsis: An Ordinance authorizing Master Plan Amendment MP-2020-6 (Industrial to Mixed Use), submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-48-21**, “An ordinance authorizing City-Wide Master Plan Amendment MP-2020-6 pursuant to Chapter 27 of the Unified Government Code.” Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance. Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley, Walters.

ITEM NO. 2 – 21803...ORDINANCE

Synopsis: An ordinance rezoning property at 200 South James Street (COZ-0007) from M-3 Heavy Industrial District to TND (T-6) Traditional Neighborhood Design District, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-49-21**, “An ordinance rezoning property hereinafter described located at 200 South James Street, in Kansas City, Kansas, by changing the same from its present zoning of M-3 Heavy Industrial District to TND (T-6) Traditional Neighborhood Design District.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley, Walters.

ITEM NO. 3 – 21804...ORDINANCE

Synopsis: An ordinance rezoning property at 1825 North 94th Street (COZ2021-001) from A-G Agriculture District to R-1 Single Family District, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-50-21**, “An ordinance rezoning property hereinafter described located at approximately 1825 North 94th Street, in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture District to R-1 Single Family District.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley, Walters.

ITEM NO. 4 – 21805...ORDINANCE

Synopsis: An ordinance rezoning property at 1841 North 94th Street (COZ2021-002) from A-G Agriculture District to R-1 Single Family District, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-51-21**, “An ordinance rezoning property hereinafter described located at approximately 1841 North 94th Street, in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture District to R-1 Single Family District.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and

there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley, Walters.

ITEM NO. 5 - 21806...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2020-100) for a car audio installation shop at 1315 State Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-52-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas for a car audio installation shop at 1315 State Avenue.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley, Walters.

ITEM NO. 6 – 21807...ORDINANCE

Synopsis: An Ordinance authorizing a Special Use Permit (SP2021-009) for a short-term rental/Airbnb at 1127 Southwest Boulevard, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-53-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas for a short-term rental/Airbnb at 1127 Southwest Blvd.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley, Walters.

ITEM NO. 7 - 21808...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2021-010) for a kennel for ten (10) dogs at 3440 North 131st Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-54-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas for a kennel for 10 dogs at 3440 North 131st Street.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley, Walters.

ITEM NO. 8 – 21809...ORDINANCE

Synopsis: An ordinance repealing Ordinance No. 0-29-21 and enacting a new ordinance for Vacation Application S-2020-12 at 1 Woodswether Road and 1R Woodswether Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-55-21**, “An ordinance vacating State Street located at approximately 1 Woodswether Road and 1R Woodswether Road, Kansas City, Kansas and repealing Ordinance No. O-29-21.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley, Walters.

PLANNING AND ZONING NON-CONSENT AGENDA**SPECIAL USE PERMIT APPLICATIONS****ITEM NO. 1 – 21795...SPECIAL USE PERMIT APPLICATION SP-2020-100 - MARK MURDICK WITH SULLIVAN PALMER ARCHITECTS**

Synopsis: Special Use Permit for an outdoor event space (structure built without permits) for Chateau Avalon at 701 Village West Parkway, submitted by Gunnar H. Hand, AICP, Director of

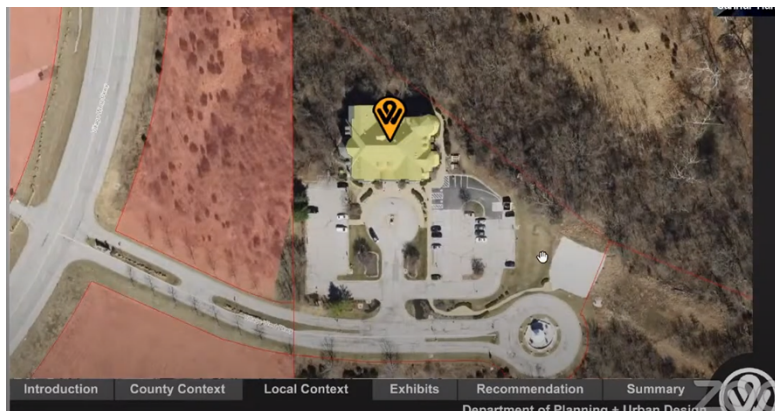
Planning and Urban Design. The applicant, Mark Murdick with Sullivan Palmer Architect, is requesting a Special Use Permit allow for a special event space. The space has already been built and the applicant is retroactively requesting the Special Use Permit. The capacity of the space is 250 people and will operate in conjunction with SP-2019-63, a Special Use Permit for live entertainment. There is one outstanding violation recorded at this property. The subject was cited on October 21, 2020 for work without a building permit from the Development Review Committee (DRC), which will be addressed by approval of this Special Use Permit and the simultaneous variance, BZA-2406. The Planning Commission voted 7 to 1 to recommend approval of Special Use Permit Application SP-2020-100, for two years including the addition of a condition of the sale of the property that the proposed parking is on subject to:

- 1) All special events must comply with local, state, and federal regulations addressing or responding to COVID-19, including, but not limited to, crowd numbers, social distancing, cleaning, and proper use of masks;
- 2) Music or amplification will not be allowed between 11:00 PM and 9:00 AM;
- 3) Any and all signs posted must conform with the Sign Code, and must satisfactorily receive a sign permit, if required;
- 4) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
- 5) During special events, the parking space directly south of the three ADA parking spaces at 701 Village West Parkway must be designated a temporary ADA parking space;
- 6) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 7) Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
- 8) The applicant has filed and must maintain a current business occupation tax application and entertainment license;
- 9) Successful purchase of the property that the proposed parking will be located;
- 10) A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Department to begin and/or complete that process. The applicant should note that fees may be applied to the building permit due to construction of the structure initially without permits;
- 11) Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.

- 12) Special Use Permit is conditioned upon the sale of the property from the Unified Government to be used for parking
- 13) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 14) The Special Use Permit shall be valid for two years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
- 15) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

SP-2020-100	
Petitioner	Address
Mark Murdick, with Sullivan Palmer Architect	709 Village West Parkway Kansas City, Kansas 66111
Synopsis	
The applicant, Mark Murdick with Sullivan Palmer Architect, is requesting a Special Use Permit to allow for an event space. The space has already been built and the applicant is retroactively requesting the Special Use Permit. The capacity of the space is 250 people and will operate in conjunction with SP-2019-63, a Special Use Permit for live entertainment.	
Introduction County Context Local Context Exhibits Recommendation Summary	

Gunner Hand, Director of Urban Planning & Design, said earlier this month the Planning Commission in conjunction with this special use permit approved Plan Review 2021-005. In that plan review, associated with this SUP, for the event space.



Again, this is the Chateau Avalon property across from the Kansas Speedway. We worked with the applicant to identify the appropriate place to add the required parking with the new event space in place. We were able to develop a plan and configuration where they are currently in contract negotiations with the UG, who owns this parcel right here, if you can follow my cursor, where they will be providing that extra parking space.

We also did some redesign of their existing parking space to add the required additional ADA parking, as well as pedestrian access across the site to the hotel, to the event space, and to the parking lots.

By the applicants own suggestion we also added a condition of approval related to the use of amplified sound that event space which would be not allowed between the hours of 11 PM and 9 AM. The event doesn't have to stop, they just can't use their speakers.

The other thing that I would note here is that the applicant is currently in a parallel process seeking to rectify the issue they had with that event space and are currently working on retroactive building permit for it. There will be potentially a gap between the sale and provision of the parking. The acquiring of a building permit and the publication if the Commission was to approve. They're going to try to squeeze in an event or two if they can get that building permit in time. With that, staff does agree with the Planning Commission's recommendation for approval for two years.

Mark Murdick, Sullivan Palmer Architects, 8621 Johnson Dr., Merriam, KS, 66202, said our case this evening, as Gunnar pointed out, consists of the request of a special use permit to allow for special events at Chateau Avalon located at 701 Village West Parkway. The proposed detached orangery will incorporate an indoor/outdoor concept which is anticipated to hold catered events such as weddings with a capacity of 250 people max. Chateau Avalon has been a good standing

business in Kansas City, Kansas for about 17 years now, while bringing unique experiences to the community. The hotel to continue to bring these experiences to the area with this detached event space with a unique ornate design. The special event space will be sure to attract several events throughout our lovely regional events season. I thank you again for allowing us to present our proposal this evening of the special use permit for outdoor seasonal events. With that, Mr. Mayor, I'd be happy to take any questions.

Mayor Alvey asked any questions for Mr. Hand or Mr. Murdick?

Mayor Alvey opened the public hearing.

No one appeared.

Mayor Alvey asked did we receive any notification. **Mr. Deichler** said we did not, Mayor.

Mayor Alvey asked is there anyone who would like to speak in opposition. **Mr. Deichler** said their hand just went down.

Mr. Deichler said excuse me a moment. Someone was just promoted. I do not know—it's a telephone number. I'm not sure, but they had their hand up.

Greg Kindle, Wyandotte Economic Development Council, 727 Minnesota, said I had some trouble keeping that hand up. I just wanted to weigh in just briefly to say in light of the pandemic, we're super supportive of this application and the fact that Steve Beaumont with Chateau Avalon is gonna to invest about \$.5M into this project to increase events at the Chateau Avalon. I think their plan is to have as many as 100 events there by 2023, which would bring additional guests and transient activity into the Village West. We're excited about what he wants to do and we're glad to see that he is going back and getting retroactively the permits that he needed. We do appreciate the fact that both he and Planning Staff, as well as a number of elected officials, along the way, have been involved in this conversation. I appreciate that the Unified Government has been involved with helping to provide the parking space and get some resolution. I feel like this was a

good conversation and a good resolution to a lot of these issues, but I also appreciate the fact that Steve and Chateau Avalon are looking to put more investment into that facility and bring folks into the community. With that, I ask that you all would support this.

Commissioner Ramirez said I just have a few questions. I want to go through the application as much as I can. Gunnar, for condition 12, the sale of the property from the Unified Government to be used for parking. I know you said that is under negotiation. Like I said, it's still under negotiation. Is there any update that could possibly be provided without hampering those negotiations? **Mr. Hand** said, I apologize, we do not have an update on those negotiations. I'd have to potentially endeavor others.

Mayor Alvey asked, Mr. Bach, could you address that. **Mr. Bach** said, repeat the question please.

Commissioner Ramirez said, Mr. Bach, my question was pertaining to the condition—that the special use permit be issued upon the sale of the property. I was just wanting to see, if without hampering negotiations, if we could get an update of what that is looking like at the moment. **Doug Bach, County Administrator**, said our negotiations are complete. The only outstanding issue is they had to get a survey done regarding the property. So, once they finalize their survey, then we will be able to finalize our agreement as to what piece of property they're going to acquire.

Commissioner Ramirez said my other question, Gunnar, this is connected to a plan review application. Is that still with Planning Department or the Planning Commission or are they—this application the same thing? **Mr. Hand** said plan reviews are approved by the Planning Commission and don't rise to the Board of Commissioners so they're intricately related and the Planning Commission has approved the plan review. Again, that Plan Review specifically looks at the site plan I showed a little earlier.

Commissioner Ramirez said I think that Planning Commissioner Reasons was the sole no vote. What was his, if you remember, his reasoning for voting no? **Mr. Hand** said Mr. Reasons did not specifically state why he voted no, although during the Planning Commission hearing he was concerned about the process by which the applicant had erected the building that is to be used for special use permit. In the staff report, you'll note, that there is one NOV on this property which

the applicant is rectifying through this SUP process, as well as getting a retroactive building permit. **Commissioner Ramirez** asked, was the applicant aware that a building permit was necessary before erecting the structure? **Mr. Hand** said we had a meeting with staff and all the relevant reviewing agencies that the Unified Government with the applicant last summer and made it very clear the steps that they need to do to move forward. They are in the process of still working through those steps right now. **Commissioner Ramirez** said those are all my questions.

Commissioner McKiernan said, Mr. Hand, I'm going to follow up the question that Commissioner Ramirez just asked. It says in our packet, there is one outstanding violation recorded at this property. The subject was cited for work without a building permit. You just told me that this outfit knew in advance of construction that they needed a building permit, and yet they did not obtain one. Can you enlighten me on the reason for that? **Mr. Hand** said I believe it was last July when we had our DRC meeting with the applicant and walked him through what it would take being this a somewhat unique situation because it's essentially a prefabricated set that gets this pieced together. We went through all the things that would need to happen in terms of foundation, permitting and the inspection process, as well as the conversation that realized that revolves around the SUP. I believe it was later that August, potentially September, when a building inspection and code enforcement, excuse me, a building inspector went out to check on the site as they had some concerns about, I believe at the time, it was how they were going to get power to the site that we found that the building had already been erected at which time we put together a stop work order issued in November and began this process.

Commissioner McKiernan said the building was already completed at that time? **Mr. Hand** said it's a pretty quick assembly and disassembly. That's sort of the intent of, as I understand, that's the intent of the design. If I remember correctly, I believe they bought it from overseas and shipped it over and they wanted to put it together and see if all the pieces were there so we just happened to show up when they were doing that.

Commissioner McKiernan said maybe Mr. Murdick can help clear me up on this. I'm dumbfounded that somebody who's already completed the main structure and went through all the process to do that, suddenly doesn't know you need a building permit. **Mr. Murdick** said we went through a plan review last year and we were denied—we weren't accepted for a permit for some reasons. Then it turned out that we needed a special use permit based on the DRC meeting

we had with Mr. Hand and others. At that time, I believe the building did arrive and the owner needed to ensure that all those pieces arrived intact and that they fit together. It was erected on that basis and taken like the panels and the membrane roof, which is not part of the structure itself, but just the frame was erected. I believe that's where we are right now and retroactively adhering to all of the comments that building inspection has and the fire department has on their review comments. We actually, currently, have our building permit review resubmitted at this time. **Commissioner McKiernan** said I think my head just exploded. You had a Development Review Committee meeting, at which time, you were told you must have a permit before you erect any structure. You erected the structure anyway and now seek to get that building permit retroactively or eliminate the need for it by getting this approved. **Mr. Murdick** said that's what it looks like, yes.

Mayor Alvey said, Commissioner McKiernan, if I may, I met with Mr. Beaumont and the way he tells the story is that he had ordered a structure. It is a question whether it is really considered a permanent structure or more akin to a temporary structure, a tent, because it can be disassembled. He ordered it and it was submitted this to our department for review to see how this would be approved. He said that he was notified by the company, once it was delivered that in order to make sure that he was not outside his warranty. He had to assemble it to make sure that it all went together. There was only a timeframe where if he didn't get it assembled to make sure it all went together, that the warranty or the delivery would void. His statement to me was that they had to construct it in order to make sure that there weren't any missing pieces, or it came damaged, that they can still access their warranty. He also claims that there was a delay in receiving a review from our department about whether and how this structure would be categorized. Would it be more like a tent? The question comes down to do we need to have water supply to it. Well, it's not really a structure that needs water to it. right. So, those are some of the issues that came into play here, just for clarification. **Commissioner McKiernan** said I appreciate that. It just strikes me that I think we're setting a dangerous precedent if we undermine the DRC process by saying, yeah, you can just do whatever you want and then we'll fix it later. Can you imagine the floodgates we would open if that were the way this works routinely? Thank you. That's all I have.

Commissioner Burroughs said, I too, have looked over the design and find it not only unique, I find it to be a novelty that I think will add to the ambiance of the Chateau Avalon. So, Mayor, with some of the questions that have been raised tonight, I will rise in support of the project because I truly believe that when we have the quality of hotel at Chateau Avalon presents in our community, as well as a venue that compliments it, that can add to additional stays and/or additional revenue and people experiencing a pleasurable night in our community, I think we are of benefit. I do appreciate the investment that Mr. Beaumont brings forward for this project.

Commissioner Walters said thank you for trying to give a little bit more background. I have talked to Mr. Beaumont several times over the past several months about his challenge of working through the process to get a building permit. I am sure he would admit that he has made some errors in his process. I'm not so sure that we haven't either, but there's a lot of water that's gone over the dam. The facility has not been able to be used for months. We were talking about last August. This is almost eight months later, and it still hasn't been able to be used. At this point, I believe, the department and Mr. Beaumont have reconciled to a positive way forward. Everybody taking their respective lumps and I think we should support this project. With that, I would like to move for approval as submitted.

Action: Commissioner Walters made a motion, seconded by Commissioner Burroughs, to approve Special Use Permit Application SP-2020-10 for two years, subject to the stipulations.

Commissioner Ramirez said I just wanted to echo what Commissioner Walters was saying.

Roll call was taken and there were eight "Ayes," Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane, Markley, Walters; and two "Nos," Philbrook, McKiernan.

ITEM NO. 2 – 21791...SPECIAL USE PERMIT APPLICATION SP2021-016 - BRYANT PARKER

Synopsis: Special Use Permit (previous renewal SP-2019-84 was denied on August 29, 2019) for a used car dealership at 1010 Merriam Lane, submitted by Gunnar H. Hand, Director of Planning

and Urban Design. The applicant, Abdul Mazid, has applied for a special use permit (renewal was denied on August 29, 2019) to operate a used car dealership at 1010 Merriam Lane. This property was operated as an antique car sales business from 1987 to 2001. Since that time, it has been operated as a variety of businesses, including an automobile repair business from 2004 – 2005 and a retail market (Kimo's Market) from 2005 – 2008. In September 2017, Mr. Mazid was issued a Special Use Permit, and A+ Auto Sales Inc was opened in April 2018. The site has been cleaned and maintained; new landscaping has been implemented in accordance with the plans submitted in 2017. The property was listed for sale, but there were no prospective buyers. There is one open Notice of Violation on the property (ZONE2020-0002) for operation of auto sales without a Special Use Permit. Six vehicles were parking in front of the building without license plates. In 2016, the property was issued a court summons for being a residential retail property without a rental permit. This case was dismissed. The property has received numerous code citations for graffiti, trash, and abandoned vehicles in the past, prior to Mr. Mazid's ownership. The Planning Commission voted 7 to 1 to recommend approval of Special Use Permit Application SP2021-016 for two years, subject to:

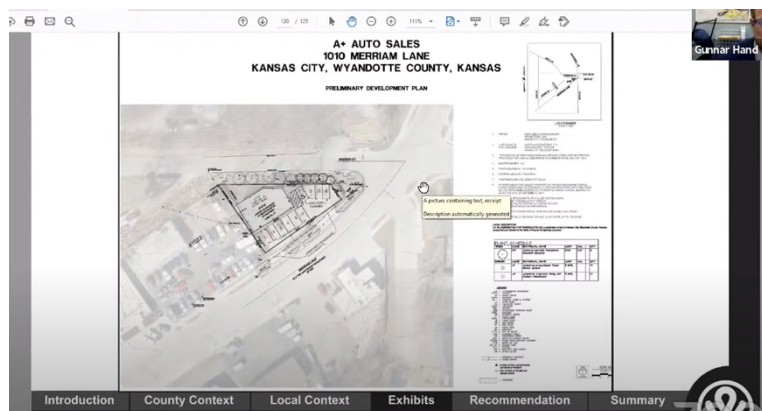
1. Previously, the applicant's representative has asked staff, the City Planning Commission and Board of Commissioners to delay constructing the sidewalk as originally approved due to economic hardship. The sidewalk shall be constructed prior to re-opening his business and comply with their initial approval in 2017 (SP-2017-28).
2. Because there is no trash receptacle on site, the applicant shall remove all trash for disposal offsite. Trash bags shall not be left on-site for pickup;
3. If the property is sold, the associated Special Use Permit cannot be transferred;
4. BOZA 2268, approved on December 17, 2017 was for Mr. Abdul Mazid and this specific used car sales lot only. If there is a change of use, that use must meet the zoning district's parking regulations;
5. Because the variance was approved to reduce off-street parking, the second floor shall remain unused;
6. No inoperable vehicles allowed on site;
7. Per the Business License Division:
 - a. The auto dealer at this location has filed the required occupation tax application and is current and renewed for this calendar year. Has been registered since 4/18/2018;
8. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;

9. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
10. The Special Use Permit shall be valid for two years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
11. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

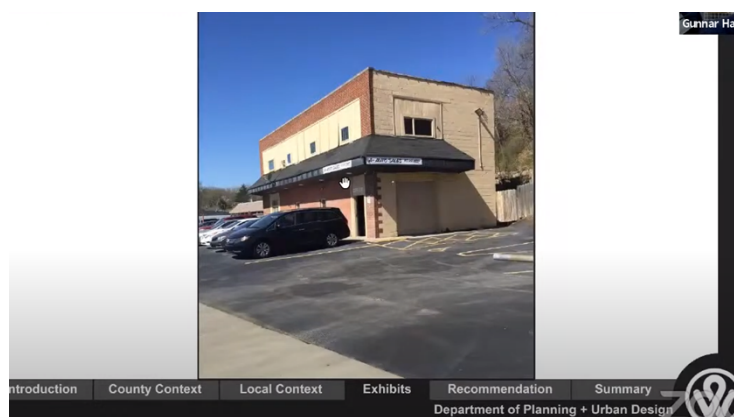
SP2021-016	
Petitioner	Address
Bryant Parker	1010 Merriam Lane
Synopsis	
To operate a used car dealership.	
Introduction County Context Local Context Exhibits Recommendation Summary	

Department of Planning + Urban Design

Gunnar Hand, Director of Planning and Urban Design, said, again, this property has quite the history that I'd like to go through really quick just to provide a little bit of background and context here. Again, the application specifically it's in Merriam Lane. It's used for a car dealership. This is in the Rosedale neighborhood of the county. Very close to what some have been taken to call downtown Rosedale, just on the other side of I-35 right when Southwest Blvd. turns into Merriam Lane.



The proposal is a resubmittal of a project that in December 2017 received a variance for parking, as well as an SUP for auto sales, and then it's renewal in 2019 was denied. Part of that denial, purpose or stated reason, one of several, was the unwillingness of the applicant at that time to construct a sidewalk on Dodson St.—Avenue directly to the north of the property. It is a very constrained site.



As you can sort of see here, those improvements have been made since that time or during sort of the the middle of all this a lot of the streetscape improvements on Merriam Lane were implemented by the Unified Government. As a part of this SUP, the applicant has agreed to build sidewalk on Dodson Avenue. First before moving forward, the way that the original variance was written, if any change in use were to occur, it would moot that parking variance. If anything else comes from this other than Mr. Bryant's clients and the auto sales dealership, we sort of start fresh.



With that, I would just like to point, as you can see, with the constrained sites there is really no place for a trash enclosure. One of the conditions of approval is that all trash will be removed off-site every night, as well as the applicant did not intend to use the second floor, it is to remain empty so, again, the use of that floor would transform both how the property is used, but also impact that parking variance. So, another condition of approval was to not use that second floor while it is an auto dealership. There is one NOV on the property. During the year that they were in wait before they reapplied for an SUP, many of the cars were left on the site as you can see here. The applicant is rectifying that NOV through this application for an SUP. The Rosedale Development Association did come out at the Planning Commission hearing earlier this month in opposition. We've received no letters of support, but staff does agree with the Planning Commission's recommendation for approval for two years.

Mayor Alvey asked is the applicant present and would like to speak. **Mr. Deichler** said he has been promoted.

Conditions of Approval

- Previously, the applicant's representative has asked Staff, the City Planning Commission and Board of Commissioners to delay constructing the sidewalk as originally approved due to economic hardship. The sidewalk shall be constructed prior to re-opening his business and comply with their initial approval in 2017 (SP-2017-28);
- Because there is no trash receptacle on site, the applicant shall remove all trash for disposal offsite. Trash bags shall not be left on-site for pickup;
- If the property is sold, the associated Special Use Permit cannot be transferred;
- BOZA 2268, approved on December 17, 2017 was for Mr. Abdul Mazid and this specific used car lot only. If there is a change of use, that use must meet the zoning district's parking regulations;
- Because the variance was approved to reduce off-street parking, the second floor shall remain unused;
- No inoperable vehicles allowed on site; and,
- Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 68-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request.

See staff report for full list of conditions

Introduction **County Context** **Local Context** **Exhibits** **Recommendation** **Summary**

Department of Planning + Urban Design

Bryant Parker said those of us that have served in local government we all know those names get pretty long. I don't want to rush through, but at the same time I just want to emphasize that from the applicant's perspective, we were in complete agreement with staff. All of staff's recommendations and conditions to include, but certainly not be limited to that the sidewalk be built to the north along the street before the dealership reopens. I would add that while the cars remain stored at the location by my client, Mr. Abdul Mazid, they were not sold. There was no car sales that happened there. He merely maintained his business license so that, hopefully, it would get this SUP approved. He didn't want to go through that process again.

I forgot to mention, again, I'm Bryant Parker, I'm the applicant's attorney. The applicant is Abdul Mazid, A+ Auto Sales, 9909 Roe Ave., in Overland Park and I office in Corporate Woods.

I think two other points that I really wanted to bring to the Commission's attention is just how much my client has invested in the property. It took tens of thousands of dollars in terms of improving the façade and cleaning it up. Again, it's getting late, but if we were to go through the history of the property, there was vandalism, lots of littering, vacancy. It was occupied on and off for the last decade, decade and a half, but in addition to some of their occupancy you could see there was quite a bit of just vacancy of the building.

One of the other things that my client did from the middle of 2019 through the middle of 2020 when it just appeared to be futile, was listed the building for sale to literally to anyone else that wanted to do something else with it. I don't think anyone would say that a used car lot is the most amazing business purpose that any site could be put too. That's not our argument today. It's what my client knows to do with the building, and he is a very responsible citizen, has been a good citizen and I think a good neighbor. We had no takers when we offered the property for sale so that's the reason we're back before you today requesting the two-year permit be granted. My client is also listening and is happy to be available to answer any questions that you might have. There's a little bit of a language barrier, but they do speak good English. Just let me know if there's anything that you'd like for me to answer and I'm happy to do that.

Mayor Alvey asked is anyone from the public would like to speak in favor of this. **Mr. Deichler** said seeing none.

Mayor Alvey asked is there is anyone present who would like to speak in opposition. **Mr. Deichler** said seeing none.

Mr. Hand said Erin Stryka is on the line from Rosedale Development Association.

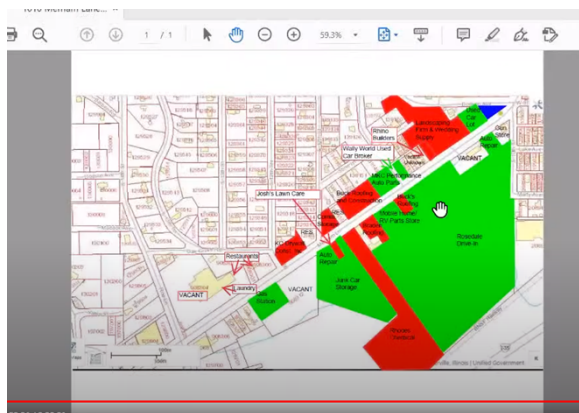
Erin Stryka, Rosedale Development Association, 1403 Southwest Blvd., said Rosedale Development Association opposes special use permits for automotive uses on the Southwest Blvd. Merriam Lane corridor. The reason is just that this corridor has kind of gone through a renaissance over the past maybe 10 years, really kicked into gear by the \$7M that the Unified Government invested in this corridor in stormwater control, curb and sidewalk, and bike lanes back in 2013. We're seeing new businesses coming in. We're seeing some really great reuses of buildings that have been abandoned for a long time. We're seeing that move kind of from the east to the west down the corridor. There's really nothing at all wrong with this, this business. Mr. Mazid is a great responsible business owner. He's done a beautiful job with the property. I don't have any issue with what he's doing or the work he's done. The issue is simply that the more special use permits we approve for automotive uses in the corridor, the more it increases the impression that that's what this corridor is. It's just kind of a mile of cars. It doesn't surprise me at all that when Mr. Mazid listed the property for sale, it didn't sell. It's kind of a tough sell there and part of the reason is because we have approved so many of these special use permits. We're not supporting this application not because of any issue with the business, but because we think we need to change overall the corridor of what we're approving for this. We need to stop approving these SUP's for automotive uses and start working to attract different uses and keep this momentum going down to the west on the corridor.

Mayor Alvey said thank you very much. Anyone else like to comment?

Mayor Alvey closed the public hearing. Would the petitioner like to make any closing comments?

Mr. Parker said I very much appreciated the opportunity to meet with Ms. Stryka. We met both in 2017 and for the current application. We definitely understand where the neighborhood association is coming from. They've done a fantastic job with their efforts. I did want to point

out, and I know she did identify, there's a business reality. We've mentioned it with our discussions with staff, as well as with her, we just can't find a buyer for the building. This is the only use that we know to put it in it's current, you know, status. It would require an investment of hundreds of thousand of dollars into that structure to repurpose it, for example, as a restaurant. There's so much investment that would be needed and so my client took his limited financial resources and tried to convert the building into something that would be both a credit to the community, but also be financially realistic.



Very quickly, I want to show you one map and then I'll be done. I promise. This is a little map that I put together just to illustrate some of the head winds that we're facing. Over here beginning with these properties here, this is an area where the neighborhood association has made a lot of progress and should definitely be commended for their efforts. Here is what we're facing from a real estate economic standpoint. Immediately south to us is a large used car lot that's grandfathered. To my knowledge, I don't think they have to apply for special use permits. I don't want to ever besmirch anyone. I don't think anyone would say that they look nearly as nice as our lot does. Across the street there is a gun store followed by auto repair and everything in green is an automobile-oriented use. Everything in red is heavy commercial emerging into industrial users. South of the used car lot, we have a landscaping firm. There's Rhino Builders. Here's Wally World Used Car Broker, MKC Performance Auto Parts, Buck's Roofing, the legendary Rosedale Drive-In, and then you have some more auto-oriented uses including some junk car storage and auto repair down here. I only bring that up to say that there are reasons why this site is particularly, you can say challenged or you can say well-suited, to the use of the applicant is desiring to put it for this two-year period. Again, it's not permanent.

Mayor Alvey asked if any members of the Commission have questions or comments.

Commissioner Ramirez said thank you Mr. Bryant for presenting and coming before us tonight. My question is if Mrs. Stryka is still online or if she can? Are you still online? **Ms. Stryka** said yes, I'm still online. **Commissioner Ramirez** said first, thank you for all that you do for Rosedale. RDA is a amazing organization that does a lot for the community, but Mr. Bryant gave an example of possibly a restaurant, but it might not work. What uses would you, do you think, or RDA think could be used for that site? **Ms. Stryka** said that's a great question. I actually haven't been inside the building, but let me just tell you a couple of the uses that we've seen on the east side of Mr. Parker's map in small, weird buildings without a lot of parking. We have a brand-new chicken restaurant called Chicks and KC right next to our office that is a walk-up restaurant. It's just got a window you walk up to and no parking. There's a guy who's opening a coffee shop in an old flower shop with apartments up top, in another building with no parking that's jammed right up next to the building next to it. Then, just across the street from 1010 is this itty-bitty little building that has been reconverted into an office use. I'm sure Mr. Parker is correct that it would take quite an investment to repurpose that building, but at the same time that investment is happening in a lot of buildings along that corridor and we want to see it continue happening. **Commissioner Ramirez** said okay, thank you. Is this, I apologize for not knowing this or remembering this, but is this corridor part of the Rosedale Master Plan?

Ms. Stryka said it is not. It is part of the Southwest Blvd./Merriam Lane Master Plan that which was adopted in 2011. The relevant part of that master plan is that it calls for a diverse mix of businesses on the corridor. The biggest obstacle we have to building that diverse mix is we have so many automotive uses and it crowds out everything else. **Commissioner Ramirez** said thank you very much for answering those questions, Ms. Stryka.

I know Mr. Mazid has been part of this property and he has done what he can in taking care of the property, but following the lines what Ms. Stryka was saying, this is a corridor that is becoming revitalized. I would agree with the assessment of RDA that even though Mr. Mazid may mean well, and he just wants to give back to the community, but I just think that this property could be used for other purposes because there is already another used car lot right next to his, right into the property and so I, personally, am not in support of the SUP.

Mr. Hand said Ms. Stryka mentioned the Southwest Blvd./Merriam Lane Corridor Master Plan starting, I believe, their going to get the notice to proceed on May 1, starting then one of our three planning sustainable places grants that we receive from the Mid-America Regional Council will begin. Ms. Stryka in no small part is talking about the vision that exists for this corridor in that Master Plan. We going to have a chance to revisit that vision and extend it farther into our neighboring cities to the south and west starting with this very property as the extent of that area plan—of that study begins right where Southwest Blvd. turns into Merriam Lane, again, headed south and west. So, I think we could have these conversations as soon as next week.

Commissioner Ramirez said that is great. I look forward to those conversations. I'm sure Ms. Stryka is looking forward to those conversations as well. Like I said, it's a corridor that is becoming revitalizing and it has a lot of potential. Again, I thank Mr. Mazid for what he's done. Hopefully, during this process of relooking and revitalizing we can find another space, other property for him, somewhere on the corridor, somewhere near the corridor where we can help him continue giving back to our community.

Commissioner Markley said I appreciate that there are other ideas for what could happen to this property. Lord knows there are properties in my district that I have other ideas about what I would like to see on that property. The reality is you own those pieces of property. If we get into a trend of telling business owners you own this property, but were not going to let you do anything with it, I don't think we're going to have many business owners that want to locate here. This gentleman has done what we ask our business owners to do. That fact that we don't like what he wants to use this particular property for, to me that's a difficult reason to tell him no, particularly when we have nothing lined up to take over that lot. He owns this property. He's paying for his property. To tell him you can't do anything with it because we would like to see something better, when he's tried to sell it on the market and hasn't been able to, we're putting him in a really terrible position. I'm not comfortable with the concept of doing that to our business owners. Particularly, since this is a limited time special use permit. If we have discussions as part of this master plan and we decide that we'd like to go a different direction, he has to come back in two years. So, if in two years if we have a different set-up we'd like to utilize his property for and we have some actual plan to move forward with the different set-up, then we can ask this gentleman to move his business somewhere else and try to implement that new plan. Right now, we have no plan at all.

What we have is a vision, and it's a great vision, but to ask this gentleman to sit on his property and do nothing for two-years because we have a revision, it's a difficult ask, I think.

Commissioner Walters said I'm going to chime in here with Commissioner Markley. It seems to me because of the work he's done to the property, I've driven by it, and I drive by there quiet often, he's done a great job improving it. It looks better, it appears better, and actually, he has done his part improving the community and as he does that, and has things continue to move, the value of that property will continue to attract other people who will see other purposes for it. So, if he has a car dealership there for two years and then someone else comes along and says I would love to put a business in there, I would have, you know, a restaurant, they're going to be coming to him looking for that. This is not set in stone. Like the commissioner said, it's a two-year process. I think activating corners is better than having things empty.

Commissioner Bynum said I was really struggling with this conversation and Erin Stryka and RDA know that probably 9.5 times out of 10, I really support their work and their efforts. I was truly struggling with the concept that we would ask a property owner not to conduct business where we are collecting and remitting sales tax on automobiles, which means substantial sales tax which benefits everyone, because we are potentially waiting for a vision to come to fruition of something that might be "better". Commissioner Markley really captured every thought that I was having with regard to this property.

I would additionally ask, is that a reason that falls within our factors to be considered as a legitimate reason to vote for a denial of a SUP, Gunnar or Misty Brown, please. **Misty Brown, Chief Counsel**, said I was having a bit of heartburn about the conversation. The golden case was about a property owner who couldn't find somebody to do with the property what the city wanted. If the Commission was going to vote to deny the application today, I would ask that whoever made a motion contemplated the golden factors and kept that in mind when making a motion. You know you could consider the character of the neighborhood and the zoning uses of the nearby properties, but it could be challenging to just go based on a vision for the property. Does that answer your question, Commissioner? **Commissioner Bynum** said that answers my question. Thank you.

Mr. Hand said, so, the zoning including special use permits are the tools which we implement the land use plan. The land use category for this site is business park. In the Citywide Master Plan a business park is for warehousing/business research, related commercial and services such as well, wholesale stores, outlet stores, office supply stores, service stations, convenient stores, hotels, multiple supporting restaurants and medical services. It's a very broad category of which this you could argue fits within. It also fits in, I think, a lot of the stuff that Ms. Stryka had said is in the vision, right? It's just this property owner knows how to sell cars and that's what he bought the property to do. I would reiterate the fact that, in the next month, we're going to launch a planning process where we had specifically written in the RFP that one of the things that we want out of that planning process is to find a way or strategize, I should say, to start the process by which we start working towards that vision and moving away from maybe historical businesses on that corridor that were more focused on heavy commercial and automobile sales. I think that that's part of that. This is the very conversation that we want to have in this planning process, how do we start to turn these things into the vision that we've identified as a community? **Commissioner Bynum** said, thank you, Gunnar.

Commissioner Ramirez said thank you, Commissioner Markley, that is why there are ten of us on this board. We all have our different minds and that is something I honestly did not think of, did not come to mind. Thank you very much for those comments and I agree that Mr. Mazid has done what he has done. He has taken care of the property and it says here, I went back through and read the application. Even though it is an economic hardship, he's going to build a sidewalk. I changed my mind because like I said, we have two years, he has two years to operate this business and within those two years, as Gunnar said, we are going to start the process of relooking at the vision and I want Mr. Mazid to be part of that. I want him to be part of the planning process because he is a business owner on that corridor. He has to have a say. I changed my mind. I move to approve this SUP application.

Action: **Commissioner Ramirez made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application SP2021-016 for two years, subject to the stipulations.** Roll call was taken and there were ten "Ayes," Philbrook,

Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

REGULAR AGENDA

Mayor Alvey said that concludes the Planning portion of our meeting. We'll now move to our regular Consent Agenda.

REGULAR CONSENT AGENDA

Does any member of the Commission or County Administrator wish to set-aside any item on the regular Consent Agenda? If an item is not set-aside, all items on the Regular Consent Agenda will be voted on by one vote.

Commissioner Bynum said since I have a question on the nominations to Boards and Commissions, I guess I better ask to set it aside.

Action: **Commissioner Johnson made a motion, seconded by Commissioner McKiernan, to approve, excluding the set-aside.** Roll call was taken and there were ten "Ayes," Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 1 – 21785...NOMINATIONS: BOARDS & COMMISSIONS

Synopsis: Nominations for Boards & Commissions:

Irene Caudillo to Law Enforcement Advisory Board (Reappointment), 4/29/2021-12/13/2021, submitted by Sheriff Ash

Mary Hopkins to Law Enforcement Advisory Board (Reappointment), 4/29/2021-12/13/2021, submitted by Sheriff Ash

Kimberly Weaver to Law Enforcement Advisory Board, 4/29/2021-12/13/2021, submitted by Sheriff Ash

Commissioner Bynum said I have no objections to any of the names put forward for nomination to the Law Enforcement Advisory Board, but I seek to understand how it is the County Sheriff has three positions to nominate on this Law Enforcement Advisory Board. Each of us make one.

April 29, 2021

Mayor Alvey said I don't know. I'm assuming that it was part of the bylaws when it was established. I don't know if anyone here has any recollection of this as part of that. **Commissioner Bynum** said, Mayor, I guess I would say, I am more than willing to vote for each of the names, but I would like to understand, at some point, how and why it was set up for the Sheriff to have three persons placed on the board.

Alley Porter, Commission Liaison, said I will get the bylaw to you. I'm trying to search for it real fast but I'm unable to locate it, but the Sheriff by the bylaw, I believe, actually as four appointments and then the Commissioners and Mayor each have one. **Commissioner Bynum** asked, Alley, do you recall off the top of your head, does the Chief of Police have any appointments? If you don't know that's fine. **Emerick Cross, Assistant County Administrator**, said I'm on the website now. It says each UG Commissioner appoints a single member, the Mayor appoints one member, the Wyandotte County Sheriff appoints three members. That's reading from our website for the Law Enforcement Advisory Board. **Commissioner Bynum** said I appreciate that. Thank you so much, Emerick. If anyone's got the historical background, I would appreciate an understanding of how and why it's set up that way. In the meantime, Mayor, I would make a motion to approve the nominations.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Johnson, to approve.** Roll call was taken and there ten "Ayes," Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 2 – 21799...ORDINANCE: 2018-2019 PRIORITY TRAFFIC SIGNAL PROJECT CMIP 0117

Synopsis: An ordinance directing the Chief Counsel to commence legal proceedings to acquire property for the 2018-2019 Priority Traffic Signal Project, CMIP 0117, at 10th Street & State Avenue, submitted by E. James Bain, Assistant Counsel. On November 5, 2020, the Commission unanimously adopted Resolution No. R-78-20 declaring the project to be a valid public improvement and authorizing a survey of land for said project.

Action: **ORDINANCE NO. O-56-21**, “An ordinance condemning land for the construction, maintenance, operation, reconstruction, and improvements of the 2018-2019 Priority Traffic Signal Project CMIP 0117, all in Wyandotte County, Kansas; and directing the Chief Counsel to institute proceedings as provided by law to acquire said land in this ordinance described by condemnation proceedings.”
Commissioner Johnson made a motion, seconded by Commissioner McKiernan, to approve the ordinance. Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 3 - MINUTES

Synopsis: Minutes from regular sessions of January 7 and March 11, 2021; and special sessions of March 25 and April 8, 2021.

Action: **Commissioner Johnson made a motion, seconded by Commissioner McKiernan, to approve.** Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

ITEM NO. 4 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated April 8, 15 and 22, 2021.

Action: **Commissioner Johnson made a motion, seconded by Commissioner McKiernan, to receive and file.** Roll call was taken and there were ten “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters.

PUBLIC HEARING AGENDA

No items of business

STANDING COMMITTEES' AGENDA

ITEM NO. 1 – 21781...GRANT: HEALTHY, RESILIENT, AND SUSTAINABLE MATERIALS

Synopsis: Request authorization to apply for the EPA, Region 7, Healthy, Resilient, and Sustainable Materials Management Grant, submitted by Melissa Sieben, Assistant County Administrator. No match required. On April 26, 2021, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and fast track to the April 29, 2021 full commission meeting.

Mayor Alvey said this is the EPA Healthy, Resilient, and Sustainable Materials Management Grant. That item was presented at standing committee last Monday. It received vote for approval, fast tracked to tonight's agenda. **Commissioner Bynum**, do you have anything to add? **Commissioner Bynum** said I apologize, I was muted. Now, which item are you talking about? I've confused myself. **Mayor Alvey** said the blue sheet, the EPA Healthy, Resilient, and Sustainable Materials Management Grant. **Commissioner Bynum** said no, no. It's a grant that we unanimously approved. No match, no brainer. Thank you.

Action: **Commissioner Markley made a motion, seconded by Commissioner Bynum, to approve.** Roll call was taken and there were nine "Ayes," Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Markley, Walters. (Commissioner Kane dropped off.)

ADMINISTRATOR'S AGENDA

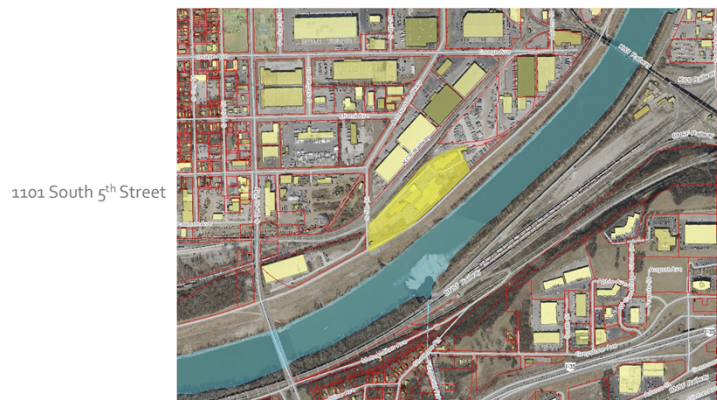
ITEM NO. 1 – 21800...ORDINANCE: PREMIER INVESTMENTS, LLC WAREHOUSE PROJECT (1101 SOUTH 5TH ST.)

Synopsis: An ordinance authorizing the UG to issue industrial revenue bonds for the Premier Investments, LLC Warehouse Project (1101 South 5th St.) in an amount not to exceed \$5.5 million, submitted by Patrick Waters, Senior Attorney.

Doug Bach, County Administrator, said before you this evening is a project submitted for IRBs from Premier Investments. Mr. Wilhite continues to build good projects in our community. Patrick Waters is here to give you a brief summary of this proposal.



Patrick Waters, Senior Counsel, said this is an ordinance that would authorize issuance of \$5.5M in Industrial Revenue Bonds.



Here is the location of the project down along the river on 5th Street.

Previous Use – Midwest Cold Storage



The previous use, as you may recall, was as the Midwest Cold Storage facility.

Recently completed building



Here's a picture of the new building just recently completed construction.

Project Overview

- 75,000 square foot warehouse facility
- 100 New Jobs
- \$5,500,000 Capital Investment
- Previous Commission action:
 - Adopted Resolution of Intent to issue IRBs and approved 80% abatement for 10 years on January 30, 2020.

Approximately, 75,000 sq. ft., brings 100 new jobs to our community, \$5.5M investment. For some history, last year this Commission adopted the resolution of intent to issue the IRBs and approved an 80% abatement for 10 years.

Tax Impact of Expansion Project

Overview	Tax Impact
Current Taxes Collected Annually	\$16,023
Projected Annual Taxes during Abatement (Years 1-10)	\$50,739
Projected Annual Tax after Abatement (Year 11)	\$253,696

This is an overview of the economic impact that the community will see from the project. As you see, even during the abatement period, we will average approximately \$50,000 a year of property taxes and then once the abatement wears off, it jumps up to \$253,000. Given the fact the Commission already adopted the resolution of intent and then Mr. Wilhite completed the building as he intended to, we would recommend approval of the ordinance that formally authorizes the issuance of the bonds.

Mr. Bach said I would just add to the fact that this property was on our delinquent tax list several years ago. We coordinated a deal with Mr. Wilhite. He came forward and he purchased that property as we took it down through our Land Bank process and improved this site by clearing it but moving forward as he had originally promised when we acquired that property from Land Bank.

Mayor Alvey said any comments or questions from the Commission?

Commissioner McKiernan said I will move to approve this submission as submitted in just a moment, but before I do that, I know I said this very same thing back the last time this item came before us, but I want to thank Premier, Bill, and Kathy and their family for all they've invested in Armourdale for over the last 70 years of investment in Armourdale. They absolutely cleared blight in this area. They absolutely have put up a productive building that brings jobs and property tax even in spite of an abatement, it still is a net positive for us. If we totaled up the property taxes that they pay on all of their properties every year, in Armourdale, it is a very impressive number

and we are blessed by their continued investment in our community. I would move to approve as submitted.

Action: **ORDINANCE NO. O-57-21**, “An ordinance authorizing the Unified Government of Wyandotte County/Kansas City, Kansas, to issue Taxable Industrial Revenue Bonds (Premier Investments, L.L.C. Project), Series 2021, in a principal amount not to exceed \$5,500,000, for the purpose of providing funds to pay the cost of acquiring, purchasing, constructing, installing and equipping a warehouse facility project including land, buildings, structures, improvements, fixtures, machinery and equipment; authorizing the issuer to enter into certain documents and actions in connection with the issuance of said bonds.” **Commissioner McKiernan made a motion, seconded by Commissioner Townsend, to approve.** Roll call was taken and there were nine “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Markley, Walters. (**Commissioner Kane** dropped off.)

COMMISSIONERS' AGENDA

No items of business

LAND BANK BOARD OF TRUSTEES' AGENDA

No items of business

MAYOR ALVEY

ADJOURNED THE MEETING AT 9:30 P.M.

April 29, 2021

Brett A. Deichler
Interim Unified Government Clerk

tk

April 29, 2021

STATE OF KANSAS)
WYANDOTTE COUNTY)) SS
CITY OF KANSAS CITY, KS)

**PLANNING & ZONING AND
REGULAR SESSION
JULY 1, 2021**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, July 1, 2021, with ten members present via Zoom: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. The following officials were also in attendance: Doug Bach, County Administrator; Melissa Sieben, Alan Howze, and Emerick Cross, Assistant County Administrators; Bridgette Cobbins, Interim Assistant County Administrator; Misty Brown, Chief Counsel; Brett Deichler, Interim Unified Government Clerk; Ashley Hand, Director of Strategic Communication; Patrick Waters, Deputy Chief Counsel; Mike Farley, Department of Planning & Urban Design; Kathleen VonAchen, Chief Financial Officer; Debbie Jonscher, Deputy Chief Financial Officer; Pamela Kahao, Accounting Manager

Mayor Alvey said before I call the meeting to order, I want to announce that due to COVID-19, some of the public are attending remotely via Zoom, by phone, or in person. All participants joining by phone should mute their phones when not speaking to avoid background noise.

During the meeting, please make sure that you announce yourself by name and title every time you speak so the public that is observing knows who is speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General.

Due to COVID-19 requirements, the public is allowed to participate by Zoom or submit comments by email prior to the meeting, also allowed to attend in person. Comments will be included in the record of this meeting. I'd ask the Clerk to please call the roll.

Roll call: Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Alvey.

Mayor Alvey said our invocation is being given by Commissioner Harold Johnson of Faith Deliverance Church of God in Christ.

Mayor Alvey asked, are there any revisions to tonight's agenda? **Brett Deichler, Interim Unified Government Clerk**, said, Mayor Alvey, there was a blue sheet issued for the Regular Consent Agenda to include Item No. 2 covering nominations and appointments to boards and commissions.

Mayor Alvey said we have two parts to our meeting. Planning and Zoning first followed by Regular Commission meeting. I'd ask the Clerk to read the statement, required by state law, governing the Planning and Zoning portion of our meeting, followed by the items on the Planning and Zoning Consent Agenda.

PLANNING AND ZONING CONSENT AGENDA

Brett Deichler, Interim UG Clerk, read the statement, required by state law, governing the Planning and Zoning portion of the meeting. A valid protest petition was filed in the Clerk's Office protesting SP2021-039 for a special use permit for a short-term rental/Airbnb at 4449 Rainbow Blvd. The petition represented 24.16 % of the property owners.

Mr. Deichler asked if any member of the Commission wished to disclose any contact with proponents or opponents on any item on the agenda. **Mayor Alvey** said I have received notification from opponents of SP2021-039. **Commissioner McKiernan** said I've had contact with proponents and opponents of SP2021-015, and I've had contact with opponents of SP2021-039. **Commissioner Bynum** said I've had contact with proponents and opponents of SP2021-039. **Commissioner Ramirez** said I've received communication from SP2021-039. **Mayor Alvey** asked, opponents or proponents, or both? **Commissioner Ramirez** said opponents. **Commissioner Markley** said I received emails from opponents of 039 as well. **Commissioner Burroughs** said I've had proponents of 2021-015 and 2021-049, proponents. **Commissioner Kane** said I don't have the Airbnb number, but that's the one I received an email on. **Mayor Alvey** said SP2021-039, I believe.

Commissioner Philbrook said I have a question. I don't have to declare anything, but before we go further, the petition that was presented to us against something. Was that a valid petition?

Mayor Alvey said yes. I wanted to clarify on that point, you'd said it was requiring nine votes to move it forward. Is it nine or eight? Eight is the super majority. **Misty Brown, Chief Counsel**, said, for a valid protest petition, it would take nine votes. **Mayor Alvey** said okay. Thank you.

Mr. Deichler read the items on the Planning and Zoning Consent Agenda.

Mayor Alvey asked, does any member of the commission, County Administrator, or public wish to set aside any item on the Planning and Zoning Consent Agenda? If an item is not set aside, all items on the Planning and Zoning Consent Agenda will be voted on by one vote to follow the recommendation of the Planning Commission.

Mike Farley, Department of Planning and Urban Design, said, staff would like to remove three items from the Consent Agenda. The first one is A2, COZ2021-015. The second item is B2, SP—excuse me, scratch that first one. I had it marked wrong. The first one is B2. SP2021-041, B3. SP 2021-042, and Item B4. SP2021-045.

Mayor Alvey said, so my record shows B1. COZ2021-015 and MPL 2021-004, are those not? **Mr. Farley** said, my apologies, Mr. Mayor. I misspoke for that first one. The first item we would like to remove is Item B2. Special Use Permit 2021-041.

Peter Ho, CBZ Real Estate Group, said, we would request Item Change of Zone Application Item No. COZ2021-015 and Master Plan Amendment Item MPL2021-004 be pulled from the Consent Agenda due to recent design changes. We will refer back to the Planning Commission upon completion of these changes.

Mayor Alvey asked, have we received any requests from the public to set aside an item? **Mr. Deichler** said, we did not.

Action: **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve all remaining items as submitted.** Roll call was taken and there were

ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

CHANGE OF ZONE APPLICATIONS

Item No. 1 – 21897...CHANGE OF ZONE APPLICATION COZ2021-014 – MAYRA ELIZONDO WITH PNP INVESTMENTS

Synopsis: Change of Zone at 88 South 7th Street Trafficway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant is requesting a Change of Zone at 88 South 7th Street Trafficway from R-1(B) Single Family District to R-2(B) Two Family District. The Change of Zone is being requested in order to reflect the current, legally non-conforming use of the property. The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application COZ2021-014, subject to:

- 1) The designated parking area in the rear yard must be paved. Parking plan has been received and can be found in the “Attachments” section of this report. The applicant must provide a revised parking plan demonstrating the dimensions of the parking spaces and the distance of the parking spaces from the rear property boundary line;
- 2) Per Section 27-609(a), the applicant and the subject property must comply with the following requirements:
 - a. All parking and maneuvering areas on the property shall be graded and surfaced with a permanent bituminous or concrete pavement. The minimum such surface shall be two inches of asphalt over six inches of compacted gravel. The unified government engineer shall determine acceptable alternatives;
 - b. All parking spaces shall be clearly marked.;
 - c. All improvements shall be designed and constructed as necessary to prevent dust, erosion, excessive water flow across streets or adjoining property, and to control traffic; and,
 - d. Failure to keep such areas in satisfactory condition that is free from holes, clearly delineated, etc. shall constitute a violation of this article;
- 3) Per Section 27-609(b)(1), parking, loading and maneuvering areas for new single-family residences or for replacement or expansion of existing asphalt or concrete areas shall be improved with a permanent asphalt or concrete pavement to the standards set out in subsection (a) of this section;
- 4) Per Section 27-609(b)(3), existing single-family dwellings may have a driveway ten feet in width or less extending directly from the street or alley to the house if there is no garage, or to the rear yard, can be paved in its entirety, or as continuous concrete wheel paths, or improved in its entirety with a minimum four-inch depth of gravel or its equivalent. Any other parking, loading, or maneuvering areas must be paved with a minimum of two inches of asphalt over six inches of compacted gravel or its equivalent, as subject to the provisions of subsection (a) of this section. If the parking, loading or maneuvering area is in the rear yard it may be improved with a minimum four-inch depth of gravel so long as it includes less than 40 percent of the rear yard and less than 1,000 square feet in area;

- 5) If continued to be used as a rental property, the applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
- 6) The applicant will complete all improvements within six (6) months; and,
- 7) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Change of Zone Application COZ2021-014, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Item No. 2 – 21898...CHANGE OF ZONE APPLICATION COZ2021-015 - DAVID S. LOTZ WITH CONTINENTAL CONSULTING ENGINEERS, INC.

Synopsis: Change of Zone from R-1 Single Family and A-G Agriculture Districts to MP-3 Planned Heavy Industrial District for a tow lot, police CSI building and UG Water Pollution Control office/storage building at 828 North 49th Street,

And

Item No. E1 – 21919...MASTER PLAN AMENDMENT MPL2021-004 – DAVID S. LOTZ, P.E. WITH CONTINENTAL CONSULTING ENGINEERS

Synopsis: Master Plan Amendment from Mixed-Use to Industrial at 828 North 49th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, on behalf of the Unified Government Water Pollution Control and KCKPD, applied for a change of zone from A-G Agriculture and R-1 Single Family Districts to MP-3 Planned Heavy Industrial District, preliminary plat four (4) lots and build two (2) buildings totaling 81,536 square feet on 37.25 acres. The applicant also wants to amend the City-Wide Master Plan from Mixed-Use to Industrial to allow the evidence and tow lots on the property. The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application COZ2021-015 and Master Plan Amendment MPL2021-004, subject to:

1. If the property is sold in the future, a deed restriction shall be placed on property restricting the site for a tow lot and office related activities, as MP-3 allows the most intensive, noxious, odorous industrial uses in the zoning code;

July 1, 2021

2. North 49th Terrace should be vacated from Armstrong Avenue south, so the Unified Government does not have to maintain the street. Grace Temple Baptist Church will obtain half of the street and can continue to use the west side of the site as parking and access. The Final Plat will properly vacate North 49th Terrace;
3. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;
4. The sidewalk shall be constructed along Muncie Drive and Armstrong Avenue. Staff will continue to evaluate the ability to install a sidewalk that connects to State Avenue along North 50th Street as part of the Final Development Plan;
5. Traffic Engineering and Public Works will evaluate the Muncie Drive as the primary route for tow trucks and other large vehicles during the Final Development Plan. Alternate routes shall be explored;
6. Per Building Inspection Department: a. Caution is advised as part of this property may have been a prior fill site;
7. Per Business Licensing Division: a. If approved, tenants will need to file and maintain a current occupation tax application;
8. The CSI Building shall have internalized downspouts. The Water Pollution Control building shall have downspouts that are painted to match the building and roof;
9. Barbed wire fencing shall be oriented inwards toward the property rather than out towards the public right-of-way or adjacent residential uses;
10. The fencing along north edge of Lot 2, south of the main entry drive shall be changed to an architectural screen fence as to screen any outside storage outside the Water Pollution Control Building from Muncie Drive. The architectural screen fence shall continue east and connect to the KCKPD CSI Lot;
11. Protect existing ridge lines and vegetation within the development to further assist in screening the development from Muncie Drive, Armstrong Avenue, and the residents to the east, in addition to preserving existing trees stands and underlying vegetation on site. The vegetation that runs along Armstrong Avenue shall screen the evidence lot from public view. The tree stand along the east property line shall be preserved to screen the residences from the KCKPD evidence and tow lots. This will help save money on future landscaping by not having to plant, irrigate and maintain new trees due to the removal of existing old growth trees during the land disturbance and grading process. Staff will review these areas during the Final Development Plan;
12. The areas around detention basins A and B shall be redesigned to include reforesting areas that were lost due to grubbing and grading, minimize grading, and preserve existing tree stands;
13. The open area west of Lot 2 (Water Pollution Control Service Center) between Hilltop Saddle Club and the single-family home, preserve in perpetuity as open space. Reforest the area, minimize the grading and redesign to preserve the tree stand. Water Pollution Control will need to provide further details as to the type of outdoor training that will occur in the future;
14. No building, CSI/tow lot storage or employee parking shall be visible from the perimeter of the development as the adjacently zoned properties are predominately R-1 Single Family Districts;
15. Sec. 27-469(g) Trees are required at not less than one (1) per 10,000 square feet of site area. Six (6) foot high architectural screening in combination with a buffer area is to be provided alongside the rear property lines common to or across an alley from residentially zoned property. The architectural screen can either be fencing or landscaping. The fence may be

- comprised of wood or metal paneling with masonry columns every thirty-two (32) feet on center;
16. Sec. 27-700(b)(3) A buffer area shall be provided alongside and rear property lines common to or across an alley from residentially zoned property and shall consist of an area fifteen (15) feet in width improved with a six (6) foot architectural screen adjacent to the property line and one row of shade trees spaced not more than 40 feet on center and one row of large shrubs spaced not more than eight (8) feet on center;
 17. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
 18. All landscaping shall be irrigated;
 19. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.
 - a. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
 20. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
 21. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen (not perforated);
 22. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6) evergreens or an architectural wall constructed from the same materials as the main building;
 23. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way;
 24. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;
 25. Shall comply with the sign code;
 26. Hours of operation for construction shall be during daylight hours. Exceptions shall be made for small-scale after-hours deliveries and equipment maintenance, interior construction within the enclosed building, and construction worker access to the site. Occasional large-scale construction operations may be required to occur after hours, such as concrete or asphalt placements and site grading operations due to weather conditions and suitable temperatures. Contractor/Developer shall provide 24-hour advance notice to the Unified Government Planning & Urban Design office of any large-scale after-hours operations;

27. Construction traffic will be further reviewed during the Final Development Plan to determine the best route as not to disturb the residences that live in the area;
28. Dust/dirt, trash, noise, vibration, glare must be minimized to not be intrusive to the single-family residences that border the site to the east and west; and,
29. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

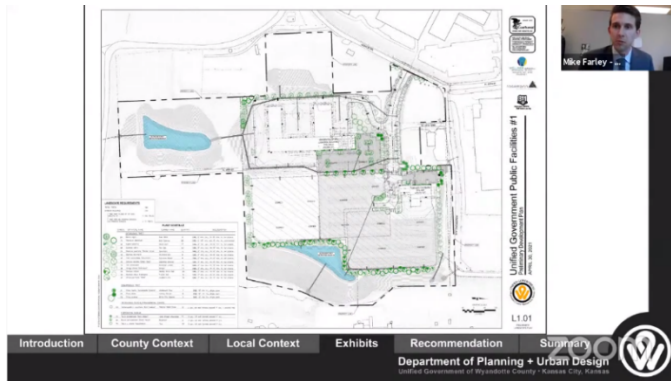
Case	
MPL2021-004 & COZ2021-015	
Petitioner	Address
David S. Lotz, P.E.	600 North 49th Street, 616 North 49th Street, 626 North 49th Street, 626R North 49th Street, 710 North 49th Street, 712 North 49th Street, 728 North 49th Street, 738 North 49th Street, 822 North 49th Street, 825 North 49th Street, and 826 North 49th Street
Synopsis	
To rezone from A-G Agriculture and R-1 Single Family Districts to MP-3 Planned Heavy Industrial District to build two (2) buildings totaling 81,536 square feet on 37.25 acres and amend the City-Wide Master Plan from Mixed-Use to Industrial to allow the KCKPD evidence and tow lots and a Water Pollution Control facility on the property. A concurrent entitlement, PLAT2021-008, to create four (4) lots was approved by the City Planning Commission on June 14, 2021.	
Introduction	County Context
Local Context	Exhibits
Recommendation	Summary
Department of Planning + Urban Design Unified Government of Wyandotte County + Kansas City, Kansas	

Mike Farley, Department of Planning and Urban Design, said, staff does have several comments on COZ2021-015. There are two cases going forward for this lot. I will talk about the change of zone. First is from R-1 to Agricultural. Like we said, the applicant has requested a remand on site design.

Case	
MPL2021-004 & COZ2021-015	
Petitioner	Address
David S. Lotz, P.E.	600 North 49th Street, 616 North 49th Street, 626 North 49th Street, 626R North 49th Street, 710 North 49th Street, 712 North 49th Street, 728 North 49th Street, 738 North 49th Street, 822 North 49th Street, 825 North 49th Street, and 826 North 49th Street
Synopsis	
To rezone from A-G Agriculture and R-1 Single Family Districts to MP-3 Planned Heavy Industrial District to build two (2) buildings totaling 81,536 square feet on 37.25 acres and amend the City-Wide Master Plan from Mixed-Use to Industrial to allow the KCKPD evidence and tow lots and a Water Pollution Control facility on the property. A concurrent entitlement, PLAT2021-008, to create four (4) lots was approved by the City Planning Commission on June 14, 2021.	
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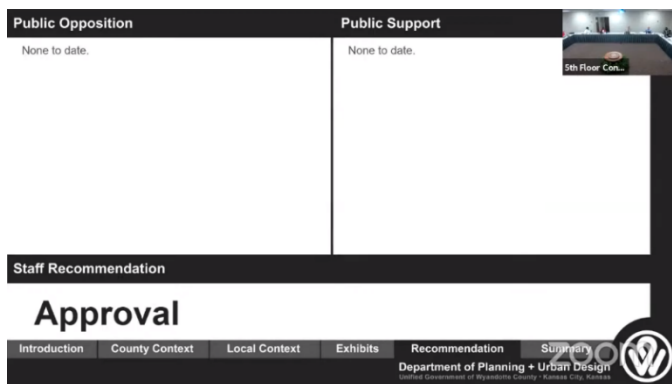
Within the replat, there is a vacation that will take place for a small portion of 49th Street. There should be no issue with that because the only access that 49th Street was giving was to the UG properties as well as a church. With the vacation, that splits access between the two and so there will be continued access for both of those properties.

July 1, 2021



Otherwise, we look forward to the redesign and assessing it further from there.

Mayor Alvey asked, Mr. Ho, you agreed that you would send this back to Planning and Zoning, correct? **Peter Ho** said, Mayor, that is correct.



Mayor Alvey said, I'll open the public hearing. Is there anyone present who would like to speak in opposition or support of this? **Brett Deichler, Interim UG Clerk**, said seeing none. **Mayor Alvey** said, seeing none. All right, I'll close the public hearing.

Action: **Commissioner Markley** made a motion, seconded by **Commissioner McKiernan**, to send **Change of Zone Application COZ2021-015** and **Master Plan Amendment MPL2021-004** back to **Planning and Zoning** for further development. Roll call was taken and there were ten "Ayes," **Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.**

SPECIAL USE PERMIT APPLICATIONS

July 1, 2021

Item No. 1 – 21899...SPECIAL USE PERMIT APPLICATION SP2021-015 - DANIEL CASTILLO FOR THE MOCKINGBIRD LOUNGE

Synopsis: Renewal of a Special Use Permit (SP-2019-21 - expired 3/28/2021) for a drinking establishment and live entertainment at 204 Orchard Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Daniel Castillo, is seeking the renewal of SP-2019-21 to operate The Mockingbird Lounge drinking establishment and live entertainment. The establishment was originally granted Special Use Permit SP-2016-100 to operate a drinking establishment in 2017. Live entertainment was added with the renewal, SP-2019-21. The required parking spaces is 44; 38 are for the bar and patio area, four (4) are for the storage spaces/bathrooms/etc. and two (2) are for the residence upstairs. BOZA #2228 was granted on 12/12/2016 which allowed for zero off-street parking spaces. There have been four (4) Notices of Violation issued on this property. One (1) for weeds and grass in 2014, one (1) for weeds and grass in 2015, one (1) for junk and excessive trash in 2015, and one (1) in 2019 for live entertainment without the required Special Use Permit. The Planning Commission voted 7 to 0 to recommend approval of SP2021-015, for five (5) years, subject to:

- 1) Indoor live entertainment shall stop by 11:00 p.m.;
- 2) Outdoor live entertainment will be allowed outside on the patio at the following days and times:
 - a. Wednesdays until 9 p.m.;
 - b. Fridays until 9 p.m.;
 - c. Saturdays until 11 p.m.; and,
 - d. Sundays until 9 p.m.;
- 3) No amplified music is allowed outdoors, except during live entertainment events;
- 4) The windows and doors shall remain closed during any live entertainment events that increase the noise volume above normal bar operations;
- 5) The second-floor residential use must remain up to code and be properly licensed if used for rental property;
- 6) Must comply with Unified Government Security Ordinance:
 - a. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - b. For any times or events in which there is a cover charge or any other cost of admission, an I.D. scanner will be used at the door;
- 7) This property is within the historic environs of the Mathias Splitlog Residence. Due to this, any exterior additions or façade work would need to go through the Historic Environs review process. Contact the Planning and Urban Design department to begin this process if any exterior changes to the building are to be done;
- 8) Any illumination that results from a live entertainment event shall not be seen or otherwise impact adjacent residential uses;
- 9) If any additions or modifications are made to the building, a Building Permit is required. Contact the Building Inspection Department at (913) 573-8620 to begin that process;

July 1, 2021

- 10) If issues arise with adjacent property owners and are brought to Staff's attention during the term, this Special Use Permit can be submitted to the Unified Government Board of Commissioners for revocation;
- 11) According to Sec. 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
- 12) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 13) The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
- 14) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Kane made a motion, seconded by Commissioner Ramirez to approve Special Use Permit Application SP2021-015 for five years, subject to the stipulations. Roll call was taken and there were ten "Ayes," Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Mayor Alvey said that takes us to the next set-aside items: B2. SP2021-041, SP2021-042, and SP2021-045.

Item No. 2 – 21901...SPECIAL USE PERMIT APPLICATION SP2021-041 - JAMES SULLIVAN WITH SULLIVAN PALMER ARCHITECTS

Synopsis: Special Use Permit for an auto storage and maintenance building at 1032 South 25th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The

applicant is requesting a Special Use Permit to allow light automotive and truck maintenance at 1032 South 25th Street. The site plan proposes a building measuring 20' x 90', a total of 1,800 square feet. A paved driveway apron will allow vehicles to access the building from both South 25th Street and the alley. Employee and customer vehicles will be served by a parking lot at 1000 South 25th Street, consisting of eight (8) spaces, one (1) of which is ADA-compliant. The subject property has been previously cited by Code Enforcement: May 24, 2012, 14-day weeds abatement, May 10, 2012-environmental: weeds, Sept. 26, 2011-other multiple violations, July 2, 2005-graffiti, Feb. 3, 2000-sinking/unmaintained driveway. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2021-041, for two (2) years, subject to:

- 1) The property may only be used for light maintenance for the business owner's existing truck fleet. The trucks to be repaired shall not exceed 30,000 gross vehicle weight rating (GVWR). Light maintenance is defined by Section 27-340 as "(1) tire and battery sales and installation, (2) Brakes and other similar diagnostic and repair services, and (3) auto detail shops, tune-up shops, upholstery shops, radiator repair shops, lubrications service, sound system shops, or alignment and suspension services";
- 2) At least eight (8) parking spaces, at least one (1) which is ADA-compliant, must be available for use by the employees and guests of the subject property. The applicant or business owner must submit a notarized Parking Agreement with the Register of Deeds;
- 3) The applicant must comply with the respective site, parking, landscaping, and turning plans as submitted to Staff in this report, unless written conditions in this report and/or modifications made by the City Planning Commission, or the Board of Commissioners supersede the plans;
- 4) The landscaping plan shall continue to comply with Section 27-470(h): "All land area that is not covered by buildings or otherwise surfaced shall be brought to a finished grade and landscaped. Six-foot high architectural screening in combination with a buffer area is to be provided along all side and rear property lines common to or across an alley from residentially zoned property.";
- 5) There is a deteriorating sidewalk serving the subject property along South 25th Street. The sidewalk must be rehabilitated and restored along the frontage of the subject property and extended north to provide sufficient access to the off-site parking lot;
- 6) Per Section 27-673 (c), the City Planning Commission may require that a parking area be screened on any side where it may adversely affect adjacent property, by a wall, screen planting, or fence of a height that the commission deems adequate;
- 7) The stormwater runoff plan, demonstrating the changes in surface water runoff after the construction of the building and the steps taken to address such changes in runoff onto the adjacent properties and rights-of-way, must be provided to Staff by June 23, 2021.
- 8) Improve the alleyway for the entire length of the property to the east (1037 South 26th Street), and the area of the alley in between the two (2) related parcels (i.e., the subject property, 1032 South 25th Street, and 1037 South 26th Street and south to Argentine Boulevard);

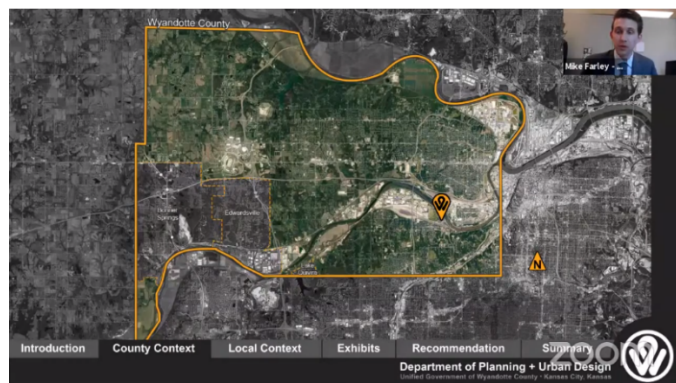
- 9) The perimeter gate at 1032 South 25th Street shall swing inward towards the property so when trucks are transferred to 1027 South 26th Street, the alley is not blocked;
- 10) According to Sec. 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
- 11) Per Section 27-673(a), any lights used to illuminate the parking area shall be so arranged, located, or screened as to direct light away from any adjoining or abutting residential district. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. Any illumination that results from use of the parking lot shall not be seen or otherwise impact adjacent residential uses;
- 12) The applicant must file and maintain a current business occupation tax application and entertainment license;
- 13) A Right-of-Way permit is required for construction that requires either temporary use or alteration of the public right-of-way. Please contact the Public Works Department at (913) 573-5311 to begin that process;
- 14) Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations (Section 27-463 through 27-470; 27-592 through 27-616) (KSA 65-3424, KAR 28-29-29 through 28-29-33). Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
- 15) Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
- 16) The driveway and access to alleyways meet current codes.
- 17) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 18) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be

considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,

- 19) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Case	
SP2021-041	
Petitioner	Address
James Sullivan, with Sullivan Palmer Architects	1032 South 25 th Street Kansas City, Kansas 66106
Synopsis	
The applicant, James Sullivan with Sullivan Palmer Architects, is requesting a Special Use Permit to allow light automotive and truck maintenance at 1032 South 25th Street. The site plan proposes a building measuring 20' x 90', a total of 1,800 square feet. A paved driveway apron will allow vehicles to access the building from both South 25th Street and the alley. Employee vehicles will be served by an off-site parking lot at 1000 South 25th Street, consisting of eight (8) spaces, one (1) of which is ADA-compliant.	
Introduction County Context Local Context Exhibits Recommendation Summary Department of Planning + Urban Design Unified Government of Wyandotte County - Kansas City, Kansas	

Mike Farley, Department of Planning and Urban Design, said, staff recommends a hold over on this case. There is a water runoff plan that needs to be provided. The applicant did not provide that by the date stipulated. I believe that was June 23rd. That was a requirement stipulated by and passed by the City Planning Commission. I've spoken with the applicant, and they are requesting the hold over for 30 days in order to provide that water runoff plan.

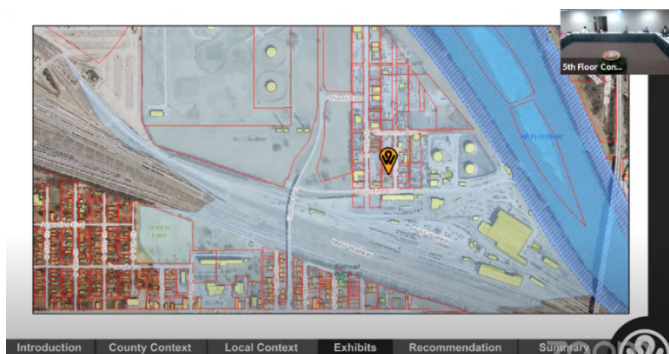


July 1, 2021



I would also like to note, this is currently a Land Bank property with an option to sell when the Special Use Permit has been approved.

Mayor Alvey asked, so, we're discussing all three of these items together? **Mr. Farley** said no. **Doug Bach, County Administrator**, said, Mayor, I do believe you need to discuss them individually and take a public hearing on each one individually with a vote. **Mayor Alvey** said, okay. Thank you.

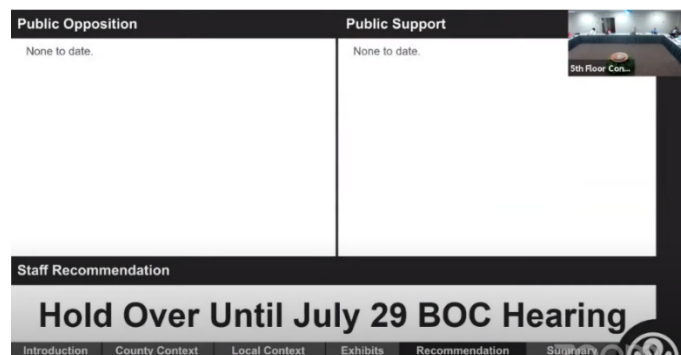


Mayor Alvey asked, does the developer have anything to add to this? Is he present, or she present?



July 1, 2021

Mayor Alvey said, okay, but they agreed, Mike, that they would like to send this back? **Mr. Farley** said yes, sir. I've discussed the holdover with them and yes, they've agreed that they will provide the water runoff plan for next month.

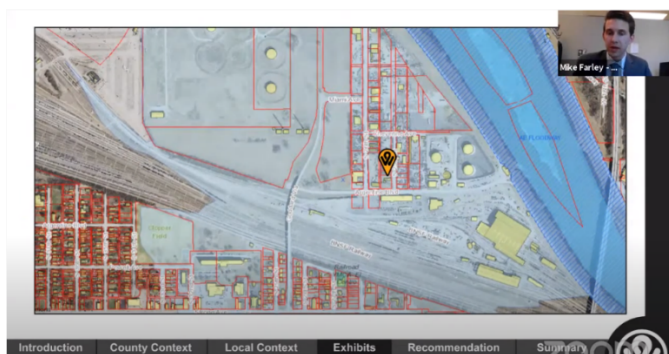


Mayor Alvey said, I'll now open the public hearing. Is there anyone who would like to speak in opposition to this?

Jim Sullivan, Sullivan Palmer Architects, said, actually, we've spoken with staff and this is a typical issue. If it were not in a Special Use Permit, this would be done in a typical way and submitted for building permit, a stormwater runoff plan. We have an 1,800 square-foot building. There's 15 feet of greenspace on each side. I think allowing us to waive this requirement until building permit time seems rational to us. It's not going to be a big issue. This is not a campus plan. We have a water retention pond, or something like this. This is an engineering issue that will be taken care of in an engineering way.

Had this not been a Special Use Permit, if this building would be used for a plumbing shop or landscape or something else, this would have never gone to Special Use Permit. Of course, with that, it would've just been taken care of as part of the building permit application. So, we ask that this stormwater runoff plan be waived until building permit time when we can have enough time. We only had nine days to do this study, and especially nowadays with as busy as everyone is, it's very difficult. I just see no reason to have this requirement at this time.

Mr. Farley said, my apologies to Mr. Sullivan. I didn't mean to misrepresent for that. When I was reading off my notes, I believe we had spoken about his other case that is coming up. So, I do apologize if I meant to say that you were okay with both of these.



Staff still would want to see the stormwater runoff plan submitted before final approval of the Special Use Permit, especially in part due to—just like in this map right here where the property is within a special floodway.

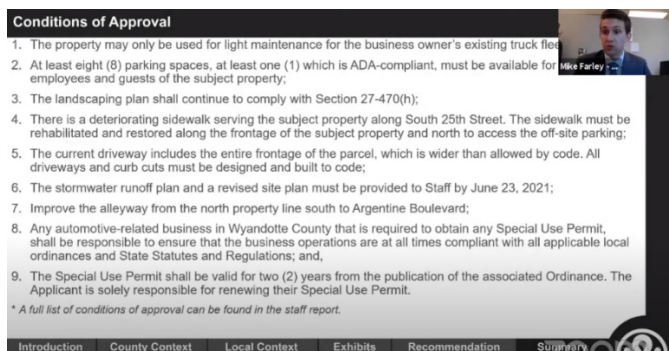
Additionally, it is a vacant property at the moment. There will be substantial impervious surface created both with the paved area as well as the building itself, which would be about 1,800 square feet. For that reason, we would like to see a water runoff plan so it does not affect the public right-of-way nor the two houses on either side of it to the north and south with additional water runoff created by the development.

Mayor Alvey asked, again, is there anyone present who would like to speak in opposition? The public. **Brett Deichler, Interim UG Clerk**, said, we are seeing none. **Mayor Alvey** asked, is there anyone would like to speak in support? **Mr. Deichler** said, seeing none, as well.

Mayor Alvey said, so, we have a recommendation to send this back to the—hold this over until July 29th Board of Commission hearing. We also heard from the applicant who is asking for something other. Any board discussion?

Commissioner Kane said, we're having a guy that's going to build something on a vacant lot. It's going to be something instead of nothing. I don't think we should make him jump through an extra hoop to get it done. He's going to bring it to us anyway. Why delay progress? That's my thought on it.

Mayor Alvey said, to that point, the question seems to be whether this is under a Special Use Permit or just a normal process, but because a Special Use Permit is being required, that's why the runoff study is required. Is that right, Mr. Farley?



Mr. Farley said, yes, this was a stipulation as part of the Special Use Permit conditions of approval.

Mayor Alvey said, so, because it came forward as a Special Use Permit, this is part of the requirement. **Commissioner Bynum** said, it was a stipulation. **Mayor Alvey** said, it was a stipulation. **Mr. Farley** said, correct, it was stipulated.

Commissioner Bynum said, I understand that Planning Commission says as a stipulation of our approval, we will have this water management plan, but our applicant has said that was only a nine-day period between then and now. If I understood what he said. I think that's fair to bring forward. That's a pretty tight timeline for asking for a plan prior to full approval, so I would be willing to move approval of the Special Use Permit item and bring the water management plan forward with the building permit as he said would happen.

Action: **Commissioner Bynum made a motion to approve Special Use Permit Application SP2021-041 and bring the water management plan forward with the building permit.**

Commissioner Ramirez said, Mr. Farley, what was the reasoning for the Planning Commission to add this stipulation?

Mr. Farley said, Commissioner, I want to clarify. This stipulation was included in the staff report. It was added by staff but approved by the City Planning Commission. If I may, while I'm speaking, I just want to clarify that the notice to the applicant about the stormwater runoff plan was provided in the draft staff report as well, which I don't have the exact date off the top of my

head when that was provided to the applicant, but that would've been in May, about mid-May. Mid-to-late, 20th, or so.

Commissioner Philbrook said, so, first off, I'm just wondering why it came through as a Special Use Permit. Can somebody tell me that?

Mr. Farley said, yes, ma'am. It's a Special Use Permit because there will be light truck maintenance there, which requires a Special Use Permit under any zoning district.

Commissioner Philbrook said, okay, because of their zoning there, and the size of the property or what's the deal?

Mr. Farley said, just because of the zoning. Light auto repairs allowed in some commercial and all industrial districts, but it does require a Special Use Permit regardless of the district that it's in.

Commissioner Philbrook said, and as I understand it, several other people have mentioned the fact that—like Commissioner Bynum—that they're going to be responsible to have to show that plan for the water drain-off before they can get approved again to do the building. Is that correct?

Mr. Farley said, that is my understanding, yes.

Commissioner Philbrook said okay, then I go along with the motion to move it forward.

Commissioner McKiernan said, the City Planning Commission met on June 14th, is that correct?

Mr. Farley said, yes, sir.

Commissioner McKiernan said, and the stipulation is Item No. 7 of the staff report. It says this plan must be provided to staff by June 23rd, 2021. That's a really tight turnaround and although this may have been provided to the applicant in the draft staff report, until this is acted on by the City Planning Commission, I'm not sure that this applicant should be required or expected to do anything in terms of following through with all of these staff recommendations. I have to agree with what else has been said here. I think that the runoff plan can be incorporated as a function of the building permit and shouldn't get in the way of the Special Use Permit. That's just me.

Mr. Bach said, just a point of clarification on the motion. Misty, this isn't a stipulation approved by the Planning Commission, so to change it, it does require eight votes, correct? **Misty Brown, Chief Counsel**, said, that's correct, Doug. **Mr. Bach** said, I just wanted to make sure that was clear before the commission voted.

Commissioner Ramirez said, and for clarification, Commissioner Bynum, your motion is to approve the Special Use Permit minus the stipulation of the drainage plan, correct?

Commissioner Bynum said, minus the stipulation of the deadline June 23rd. My amendment, I guess, is that they provide it with their building permit application.

Commissioner Ramirez said, okay, so we're just striking the date. **Commissioner Bynum** said, I think they still need it. **Commissioner Ramirez** said, yeah, so just striking the date. Okay, thank you.

Commissioner Burroughs said, the question I have is, Item No. 7, improve the alleyway. Is that public property that we're asking him to improve?

Mr. Farley said, yes. The alleyway is a public right-of-way. It is currently—I'll just jump away from the conditions of approval. We do have some site photos to get an idea of what the alleyway currently looks like. But it is unusable, and because the applicant had shown trucks using the alleyway, we determined that there was a nexus there for them to make it usable again.

Commissioner Burroughs asked, so are we in the habit of asking private investors to upgrade or to redo our public right-of-ways that we should be (inaudible) upkeep anyway?

Mr. Bach said, yes, that's standard procedure on streets and alleys. I mean, alleys, we don't have that many. A lot of times that they do things to impact the street, we will require them to come out and make changes there based on how they're going to change the use for the (inaudible).

Commissioner Burroughs said, well, under that requirement, I'm in strong support of moving forward with this so that one, we can get the alley redone, get the sidewalk replaced. It's obvious we haven't maintained those two areas, and all they're asking to do is make the cut into a sidewalk a more impervious area as another impervious area's going to be going in. So, I'm in support of the motion.

Commissioner Kane asked, do we need to second that motion, Mayor?

Action: **Commissioner Walters seconded the motion.**

Mayor Alvey said, we have a motion and a second. The applicant has an opportunity to speak again.

Mr. Sullivan said, thank you. I think we've said enough.

Roll call was taken on the motion and there were ten "Ayes," Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Item No. 3 – 21902...SPECIAL USE PERMIT APPLICATION SP2021-042 - BRYAN STOKES

Synopsis: Special Use Permit to keep farm animals at 734 South 76th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant is requesting a Special Use Permit to keep cows on a residential property at 374 South 76th Street, the applicant's primary residence. The applicant has stated that only two (2) cows will be on the property for the foreseeable future. The property has been previously cited by Code Enforcement: May 11, 2021-enforcement complaint, Sept. 11, 2013-weeds. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2021-042, for two (2) years, subject to:

- 1) While any and all livestock on the property require a Special Use Permit, six (6) chickens are allowed by right, so long as their coop is kept at least 10 feet from the property boundary line and at least 25 feet from any other habitable structure other than the applicant's structures. A conservation plan will be developed with the Conservation District defining the number of livestock allowed on the property;
- 2) This City Planning Commission case is being heard in conjunction with BOZA2021-012. The following are conditions for BOZA2021-012 and are stated here for reference only, as SP2021-042 is solely a Special Use Permit for keeping livestock on a property of less than five (5) acres:
 - a. The variance must meet the following conditions: No more than two (2) accessory structures may be standing at a time, only one (1) accessory structure may exceed 1,000 square feet of total floor space, and such accessory structure may exceed a total floor area of 2,400 square feet;
 - b. More than six (6) chickens requires a Special Use Permit;

- c. The subject property must be kept free of inoperable vehicles, scrap/junk, or other materials;
 - d. All vehicles must be parked on paved surfaces and all inoperable vehicles must be parked within a covered structure;
 - e. Any additional driveways must be constructed and/or updated to comply with Section 27-575(a). All new or updated portions of the driveways must be paved with two (2) inches of asphalt over six (6) inches of gravel, four (4) inches of concrete, or another alternative as approved by the UG Engineer;
 - f. The conditions of approval for any and all variances as allowed by this Board of Zoning Appeals case BOZA2021-012 will only go into effect when case SP2021-042 is recommended for approval by the City Planning Commission and ultimately adopted by the Board of Commissioners;
 - g. There are Conservation District comments incorporated herein by the May 18, 2021, Wyandotte County Conservation District letter;
 - h. A building permit is required for a permanent structure greater than 120 square feet;
 - i. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward; and,
 - j. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Code of Ordinances;
- 3) No sales will be conducted on the property without a Special Use Permit specifically for a home occupation or an annual agreement for a farmers' market;
 - 4) In order to create a suitable environment for the farm animals, the subject property must be kept free of inoperable vehicles, scrap/junk, or other materials;
 - 5) All vehicles must be parked on paved surfaces and all inoperable vehicles must be parked within a covered structure;
 - 6) Any additional driveways must be constructed and/or updated to comply with Section 27-575(a). All new or updated portions of the driveways must be paved with two (2) inches of asphalt over six (6) inches of gravel, four (4) inches of concrete, or another alternative as approved by the UG Engineer;
 - 7) The conditions of approval for any and all variances as allowed by this City Planning Commission case SP2021-042 will only go into effect when case BOZA2021-012 is recommended for approval by the Board of Zoning Appeals;
 - 8) There are Conservation District comments incorporated herein by the May 18, 2021, Wyandotte County Conservation District letter. For a full list of the Conservation District comments, see the Conservation District Letter in the "Attachments" section of this report;
 - 9) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. Any illumination that results from use of the parking lot shall not be seen or otherwise impact adjacent residential uses;
 - 10) Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing,

shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;

- 11) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 12) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
- 13) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

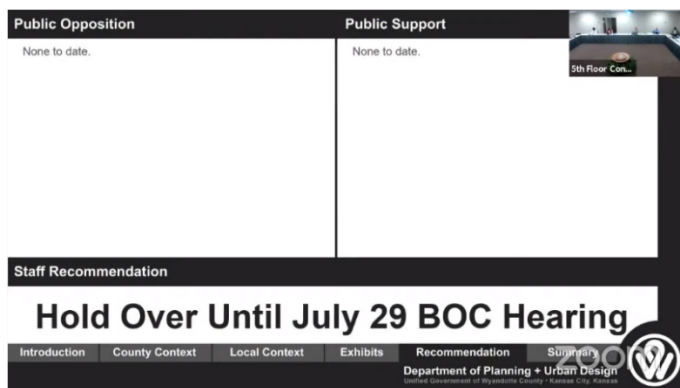
Case	
SP2021-042	
Petitioner	Address
Bryan Stokes	734 South 76 th Street Kansas City, Kansas 66111
Synopsis	
The applicant, Brian Stokes, is requesting a Special Use Permit to keep cows on a residential property at 374 South 76th Street, the applicant's primary residence. The applicant has stated that only two (2) cows will be on the property for the foreseeable future. BOZA 2021-012 for two accessory structures, one of which is larger than 1,000 square feet was approved by the Board of Zoning Appeals on June 14, 2021.	
Introduction County Context Local Context Exhibits Recommendation Summary Department of Planning + Urban Design Unified Government of Wyandotte County - Kansas City, Kansas	

Mike Farley, Department of Planning and Urban Design, said, this application, the applicant is on just under five acres. So, he is residential, but would like to have livestock on the property. Now, when this case went before the City Planning Commission, it was listed as two cows, as the applicant had stated. However, staff would like to request a holdover in order for the applicant to form a conservation plan with the Wyandotte County Conservation District, which would better

inform based on soil type, grazing area, and several other factors how many livestock and what types of livestock would be suitable for the maintenance and preservation of that land.



Mayor Alvey asked, so, what is the request of the...**Mr. Farley** said, the request is a holdover until the conservation plan can be produced by the applicant.



Mayor Alvey asked, is the applicant available? **Brett Deichler, Interim UG Clerk**, said, we're not seeing them, Mayor.

Mayor Alvey asked, is there anyone present who would like to speak in opposition to this from the public? **Mr. Deichler** said, seeing no one.

Mayor Alvey asked, anyone in support? **Mr. Deichler** said, no one, as well.

Mayor Alvey said, seeing none, I will close the public hearing.

Action: Commissioner Ramirez made a motion, seconded by Commissioner Philbrook, to hold over Special Use Permit Application SP2021-042 for 30

July 1, 2021

days. Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Item No. 4 – 21903...SPECIAL USE PERMIT APPLICATION SP2021-045 - JAMES SULLIVAN WITH SULLIVAN PALMER ARCHITECTS

Synopsis: Special Use Permit for auto storage and maintenance building at 1037 South 26th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant is requesting a Special Use Permit to allow auto maintenance and auto storage at 1037 South 26th Street. The site plan proposes a building measuring 50’ x 50’, a total of 2,500 square feet. A paved driveway apron will allow vehicles to access the building from South 26th Street and vehicles will be served by a parking lot of ten (10) spaces, one (1) of which is ADA-compliant. The subject property has been previously cited by Code Enforcement: May 11, 2021-enforcement complaint, June 26, 2020-other multiple violations, Feb. 20, 2020-other multiple violations, Oct. 26, 2017-other multiple violations, Aug. 1, 2013-environmental: weeds, July 18, 2007-weeds & improper fencing. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2021-045, for two (2) years, subject to:

- 1) Per Section 27-470(b)(7), extended or dead storage of motor vehicles requires a Special Use Permit. The applicant has not identified extended or dead storage of motor vehicles in their Special Use Permit application. Therefore, all vehicles stored on the subject property must be operable;
- 2) The revised parking plan submitted by the applicant to Staff shows 15 total parking spaces, one (1) of which is ADA-compliant. This parking arrangement must be maintained;
- 3) The applicant must comply with the respective site, parking, landscaping, and turning plans as submitted to Staff in this report, unless written conditions in this report and/or modifications made by the City Planning Commission, or the Board of Commissioners supersede the plans;
- 4) Per Section 27-593(b)(20)c.1.ii, commercial uses in new buildings in industrial districts shall be subject to commercial design guidelines. Therefore, the proposed building must conform to the Commercial Development Guidelines Overlay District, Sections 27-573 through 27-578;
- 5) Per Section 27-593(b)(20)c.2, modifications shall be made to the existing building:
 - a) Restoring original brick,
 - b) Any necessary repair of the façade,
 - c) New doors or windows if existing fixtures are in disrepair,
 - d) Substantial effort beyond simply painting the building is necessary. Brick structures must be cleaned, paint removed, and tuck pointed, and
 - e) For non-brick buildings in addition to paint, additional architectural embellishments such as a brick wainscot may be required;

- 6) The landscaping plan shall continue to comply with Section 27-470(h): “All land area that is not covered by buildings or otherwise surfaced shall be brought to a finished grade and landscaped. Six-foot high architectural screening in combination with a buffer area is to be provided along all side and rear property lines common to or across an alley from residentially zoned property.”;
- 7) Per the submitted landscaping plan, a sidewalk must be installed along the frontage of the subject property;
- 8) Per Section 27-673 (c), the City Planning Commission may require that a parking area be screened on any side where it may adversely affect adjacent property, by a wall, screen planting, or fence of a height that the commission deems adequate;
- 9) The stormwater runoff plan, demonstrating the changes in surface water runoff after the construction of the building and the steps taken to address such changes in runoff onto the adjacent properties and rights-of-way, must be provided to Staff by June 23, 2021;
- 10) Improve the alleyway from the northern-most point adjacent to the subject property to the intersection with Argentine Boulevard;
- 11) Parking of the automobiles under heavy service, repair, or mechanics shall not be placed within a required parking/paving setback area and shall not reduce the capacity of a parking lot below that required in the M-3 Heavy Industrial Zoning District;
- 12) Parking shall be upgraded to current standards and regulations including medians, landscaping, and screening;
- 13) Each automobile shall be in a striped, designated parking space, trucks shall not be parking on the existing gravel surface. Please revise the area labeled truck storage to show paved surfaces. At a minimum all drive aisles must be paved, and asphalt millings provided for all storage areas;
- 14) All salvage, debris, and outdoor storage shall be removed from the site and the site shall be maintained in an orderly manner. The truck storage shall include only operable trucks and trailers;
- 15) According to Sec. 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
- 16) Per Section 27-673(a), any lights used to illuminate the parking area shall be so arranged, located, or screened as to direct light away from any adjoining or abutting residential district. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. Any illumination that results from use of the parking lot shall not be seen or otherwise impact adjacent residential uses;
- 17) The applicant must file and maintain a current business occupation tax application and entertainment license;
- 18) A Right-of-Way permit is required for construction that requires either temporary use or alteration of the public right-of-way. Please contact the Public Works Department at (913) 573-5311 to begin that process;
- 19) Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations (Section 27-463 through 27- 470; 27-592 through 27-616) (KSA 65-3424, KAR 28-29-29

through 28-29-33). Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;

- 20) Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
- 21) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 22) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
- 23) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Case	
SP2021-045	
	
Petitioner	Address
James Sullivan, with Sullivan Palmer Architects	1037 South 26 th Street Kansas City, Kansas 66106
Synopsis	
The applicant, James Sullivan with Sullivan Palmer Architects, is requesting a Special Use Permit to allow auto maintenance and auto storage at 1037 South 26th Street. The site plan proposes a building measuring 50' x 50', a total of 2,500 square feet. A paved driveway apron will allow vehicles to access the building from South 26th Street and vehicles will be served by a parking lot of ten (10) spaces, one (1) of which is ADA-compliant.	
Introduction County Context Local Context Exhibits Recommendation Summary Department of Planning + Urban Design Unified Government of Wyandotte County - Kansas City, Kansas	

Mike Farley, Department of Planning and Urban Design, said, yes, my apologies again to Mr. Sullivan. This is the case I was thinking of when I mentioned that he was amenable for a holdover

July 1, 2021

here due to some conversations we had about a site redesign, which I will let him speak on more when he has a chance.

However, this property is preexisting. It has a building as well as it's almost exclusively paved. This also requires a Special Use Permit for the truck maintenance that's occurring on the property. This property is also within that same special floodway that staff has determined would require a stormwater runoff plan to be produced before approval. This was also provided in the draft staff report and passes a condition of approval by the City Planning Commission on June 14th.



Jim Sullivan, Sullivan Palmer Architects, said, I just wanted to mention that just a few days ago, the property owner did come to us and wish to redesign the property somewhat to move the building to the north of the property and toward the south and restructure some of the parking and drives and such. We have discussed this with Mr. Farley, and I think it would be good for all of us to step back a little bit, do some redesign and to hopefully meet the next available Planning Commission meeting.

Mayor Alvey asked, is there anyone present from the public who would like to speak in opposition to this? **Brett Deichler, Interim UG Clerk**, said, seeing none.

Mayor Alvey asked, anyone in support? **Mr. Deichler** said, seeing none, as well.

Commissioner Ramirez said, for my purposes for my brain, how is this Special Use Permit different from the other one, Mr. Farley?

Mr. Farley said, they are two separate properties owned by two different owners. In terms of the actual work being conducted, it's a little larger operation, but it still falls under that same truck

maintenance Special Use Permit. So, a Special Use Permit is required for any truck maintenance, regardless of zoning district.

Action: Commissioner Bynum made a motion, seconded by Commissioner Kane, to hold over Special Use Permit Application SP2021-045 for 30 days. Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Item No. 5 – 21904...SPECIAL USE PERMIT APPLICATION SP2021-048 - JOANNE HANSON WITH SANDIFER PROPERTIES, LLC

Synopsis: Special Use Permit for grading and site preparation for future industrial development at 1705 - 1831 South 45th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant is requesting a Special Use Permit for a grading and site preparation for future industrial development at four (4) separate contiguous parcels. The subject property is identified as the four (4) following parcels (and respective addresses): Parcel #250310 (1705 South 45th Street), Parcel #250309 (1735 South 45th Street), Parcel #250308 (1811 South 45th Street), and Parcel #250307 (1831 South 45th Street). Four (4) grading permits will be issued, one (1) for each parcel. The applicant has not stated the specifics of the future development, other than that it will be industrial. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2021-048, for two (2) years, subject to:

- 1) Rumble strips and/or other mitigation measures must be installed at all entry/exit points from the subject properties to the public right-of-way in order to keep dirt and gravel from tracking onto the road;
- 2) Dust mitigation measures must be implemented throughout the grading process;
- 3) According to Sec. 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
- 4) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. Any illumination that results from use of the parking lot shall not be seen or otherwise impact adjacent residential uses;
- 5) Contractors involved in this project will need to file and maintain a current business occupation tax application with the Business License Division;

- 6) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable;
- 7) Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Section 8-610 through Section 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
- 8) Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
- 9) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 10) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
- 11) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2021-048 for two years, subject to

July 1, 2021

the stipulations. Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

VACATION APPLICATION

Item No. 1 – 21906...VACATION APPLICATION VAC2021-005 - RANDALL CHERRY WITH CAPITALPLEX PROPERTIES, LLC

Synopsis: Vacation of right-of-way at 5837 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant wants to vacate a portion of right-of-way along the east side of North 59th Street and south side of Leavenworth Road to build a convenience store at 5827 Leavenworth Road. Property Maintenance Compliance Division issued an abatement on May 12, 2021, for weeds and grass. The Planning Commission voted 7 to 0 to recommend approval of Vacation Application VAC2021-005, subject to:

1. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing, or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated;
2. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,
3. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: **Commissioner Kane made a motion, seconded by Commissioner Ramirez to approve Vacation Application VAC2021-005, subject to the stipulations.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

PLAN REVIEW APPLICATION

Item No. 1 – 21907...PLAN REVIEW APPLICATION PR2021-013 - DAVID S. LOTZ, P.E. WITH CONTINENTAL CONSULTING ENGINEERS

Synopsis: Preliminary Plan for Wolcott Wastewater Treatment Plant Pump Station #50 for excess flow holding tank at 10525 Donahoo Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant filed a Preliminary Development Plan on behalf of the Unified Government, Public Works Department to build a 40-foot tall, 100-foot diameter holding tank for excess sanitary sewer flow. A force main will connect from an existing on-site lift station to the holding tank located on 9.62 acres at 10525 Donahoo Road. The Planning Commission voted 7 to 0 to recommend approval of Plan Review Application PR2021-013, subject to:

1. A double, staggered row of evergreens shall be planted along the western and northern side of tank;
2. The tank shall be painted a complimentary color that blends in with the surrounding topography and vegetation;
3. Odor control systems shall be added to the tank, so odors do not become noticeable rather than afterwards a significant wet weather event;
4. Construct a paved parking pad for employees to park their vehicles when servicing the tank;
5. Remove the stockpile from the regulatory floodway and floodplain (Zone AE) to get in compliance with the Floodplain Management Ordinance;
6. Review the Floodplain Management Ordinance;
7. Obtain the necessary local, State and Federal floodplain permits for constructing the tank in the floodplain prior to obtaining a building permit from the Development Review Committee; and,
8. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable.

Action: Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Plan Review Application PR2021-013, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

MASTER PLAN AMENDMENT

Item No. 1 – 21919...MASTER PLAN AMENDMENT MPL2021-004 - DAVID S. LOTZ, P.E. WITH CONTINENTAL CONSULTING ENGINEERS

Synopsis: Master Plan Amendment from Mixed-Use to Industrial at 828 North 49th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: This item was previously heard with Change of Zone Application No. 2 – 21898, COZ2021-015 – David S. Lotz with Continental Consulting Engineers, Inc.

MISCELLANEOUS AMENDMENT

Item No. 1 – 21920...A resolution establishing a moratorium on the enforcement of the prohibition of murals in residential districts and setting temporary standards for enforcement under Chapter 27, Article VIII, Division 11 of the Code of Ordinances.

Action: **RESOLUTION NO. R-43-21**, “A resolution establishing a moratorium on the enforcement of the prohibition of murals in residential districts and setting temporary standards for enforcement under Chapter 27, Article VIII, Division 11 of the Code of Ordinances.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to adopt the resolution.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

MISCELLANEOUS - ORDINANCES (The following ordinances formalize previous Commission approval.)

Item No. 1 – 21909...ORDINANCE

Synopsis: An ordinance rezoning property at 837 Central Avenue (COZ-0001) from R-1 Single Family District to CP-3 Planned Commercial District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-83-21**, “An ordinance rezoning property hereinafter described located at approximately 837 Central Avenue in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to CP-3 Planned Commercial District.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Item No. 2 – 21911...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2021-024) for the Temporary Use of Land for the existing commercial truck driving training facility at 6801 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design

Action: **ORDINANCE NO. O-84-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for the temporary use of land for the existing commercial truck driving training facility at 6801 State Avenue.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Item No. 3 – 21912...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2021-025) for continuation of live entertainment in conjunction with restaurant at 151 South 18th Street, Suite A, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-85-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for continuation of live entertainment in conjunction with restaurant at 151 South 19th Street, Suite A.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Item No. 4 – 21918...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2021-030) for continuation of an event venue with live entertainment at 3150 North 91st Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-86-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for continuation of an event venue with live entertainment at 3150 North 91st Street.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Item No. 5 – 21913...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2021-031) for continuation of a kennel for four (4) dogs at 334 North Thorpe, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-87-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for continuation of a kennel for four (4) dogs at 334 North Thorpe Street.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Item No. 6 – 21914...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2021-032) for continuation of a commercial specialty shop at 3704 North 99th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-88-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for continuation of a commercial specialty shop at 3704 North 99th Street.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Item No. 7 – 21915...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2021-033) for continuation of live entertainment at 701 Village West Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-89-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for continuation of live entertainment at 701 Village West Parkway.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Item No. 8 – 21916...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2021-036) to keep 20 chickens at 9350 Nelson Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-90-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, to keep 20 chickens at 9350 Nelson Lane.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and

there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Item No. 9 – 21917...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2021-037) for a Short-Term Rental/AirBnB at 2904 Eaton Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-91-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a Short-Term Rental/AirBnB at 2904 Eaton Street.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

PLANNING AND ZONING NON-CONSENT AGENDA

SPECIAL USE PERMIT APPLICATIONS

Item No. 1 – 21900...SPECIAL USE PERMIT APPLICATION SP2021-039 - DAREC STOWELL

Synopsis: Special Use Permit for a Short-Term Rental/AirBnB at 4449 Rainbow Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicants are requesting a Special Use Permit for a short-term rental at 4449 Rainbow Boulevard. The applicant has stated that the short-term rental will host no more than four (4) guests and no more than two (2) vehicles per visit. The property is not owner-occupied; therefore, a Special Use Permit shall be granted for no more than one (1) year. There is one (1) outstanding violation recorded at this property. The subject was cited on May 13, 2021, for structural and cosmetic damage to the east (front) and south facades of the residence. The subject property has been previously cited by Code Enforcement: May 11, 2021-enforcement complaint, Oct. 26, 2016-environmental/weeds, Jan. 21, 2010-structural, Aug. 8, 2000-environmental. The Planning Commission voted 6 to 1 to recommend approval of Special Use Permit Application SP2021-039 for one (1) year, subject to:

July 1, 2021

- 1) The maximum number of guests shall be four (4);
- 2) Guest parking must be provided off-street. Maximum number of guest parking shall be two (2) vehicles;
- 3) The front porch steps and south façade shall be repaired prior to the Special Use Permit going into effect;
- 4) All required landscaping (one (1) row of Evergreens on the north and south side of the property) must be planted prior to the Special Use Permit going into effect;
- 5) Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
- 6) Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
- 7) The applicant must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy. Include the contact information for Host Compliance 913-246-5133. www.hostcompliance.com/tips;
- 8) If issues arise with adjacent property owners and are brought to staff's attention during the term, this Special Use Permit can be submitted to the Board of Commissioners for revocation;
- 9) According to Sec. 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
- 10) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. Any illumination that results from use of the parking lot shall not be seen or otherwise impact adjacent residential uses;
- 11) Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
- 12) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 13) The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new

application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,

- 14) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Case	
SP2021-039	
Petitioner	Address
Darec Stowell	4449 Rainbow Boulevard Kansas City, Kansas 66103
Synopsis	
The applicants, Darec and Megan Stowell, are requesting a Special Use Permit for a short-term rental at 4449 Rainbow Boulevard. The applicant has stated that the short-term rental will host no more than four (4) guests and no more than two (2) vehicles per visit. The property is not owner-occupied; therefore, a Special Use Permit shall be granted for no more than one (1) year.	
Introduction County Context Local Context Exhibits Recommendation Summary Department of Planning + Urban Design Unified Government of Platte County and Kansas City, Kansas	

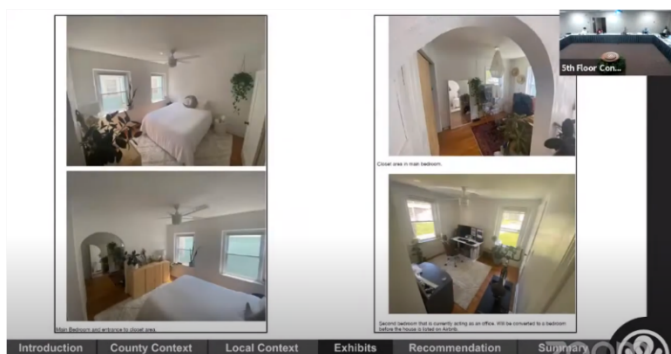
Mike Farley, Department of Planning and Urban Design, said, as we said, this is a Special Use Permit for a short-term rental. It is not an owner-occupied property; therefore staff is recommending approval for one year, which is standard amongst non-owner-occupied properties.



Conditions of approval as passed by the City Planning Commission include landscaping that will need to be done. As you can see, it is very close to the house, especially to the south as well as to the north.



There is currently no landscaping over there, and so one of the major conditions of approval is to put landscaping in in order to keep car lights and noise from those cars when they're parking away from the other properties.



Darec Stowell said, this is an Airbnb for me and my wife. We are not allowing parties, a max of four guests. We will have—our family is the one who is going to be cleaning and maintaining the home. We all live in the area. That's all.

July 1, 2021

Mayor Alvey said, I'll now open the public hearing. Is there anyone present who would like to speak in opposition of this proposal? **Brett Deichler, Interim UG Clerk**, said, seeing none. Two hands are raised.

Mayor Alvey said, please identify yourself—your name and city of residency, please.

Erin Stryka, Rosedale Development Association, 1403 Southwest Blvd., said, speaking in opposition tonight in response to concerns from several nearby neighbors in the Spring Valley area. I understand a lot of those neighbors made contact with a lot of you and have printed up a protest petition as well.

I wanted to just talk a little bit about the cumulative effect of short-term rentals in this neighborhood. Over the last few years, we've seen a pretty quick increase of short-term rentals, particularly in Rosedale and in Strawberry Hill. There was one memorable night where there were eight short-term rentals on Planning Commission agenda just from Rosedale, and several others from other areas.

Spring Valley, because of that, has been able to be kind of a test case for how these types of rentals impact the neighborhood. They've got a handful in their area and they've kind of seen it play out with those responsible and less responsible owners. So, their testimony about this is really important, I think, for this specific proposal, but also as the city considers what we're going to do with short-term rentals over the long term. I know for awhile we've said we're going to address that in the new zoning code, and I know that's still in progress but I just wanted to kind of say as you're listening to neighbors talk about this tonight, and as you're reading their emails, I hope we can all be thinking about how, as a community, we can make policy around short-term rentals that preserves neighborhood connections, that preserves housing values, and that is workable for the surrounding neighbors. Thank you.

Mayor Alvey asked, anyone who would like to speak in support of this application? **Mr. Deichler** said, seeing none.

Mayor Alvey said, thank you. Close the public hearing. Mr. Stowell, anything you'd like to add?

Mr. Stowell said, I absolutely understand the neighbors' objections. We take really great care. We do own an Airbnb on the Missouri side, and we've taken a lot of care in how we maintain the

property, how we deal with guests, making sure that people really are welcomed and we're taking care of the neighborhood as well. So, I do understand. I don't really have a lot to say. Thank you.

Mr. Deichler said, Mayor, if I may. We did not see anyone here that was against, but we did receive three notices by email in the Clerk's Office. Do you want me to read those? **Mayor Alvey** said, yes, thank you.

Mr. Deichler said, the first one is by Kelly White. She resides at 4410 Francis Street, in the Spring Valley Neighborhood. She states:

It is my understanding the intention of the Planning and Zoning Committee is to conduct a study of the impact of short-term rentals from other communities and to have the study results by year end. It seems reasonable to delay issuing any special use permits until the data from the study has been reviewed.

There are currently a few short-term rentals in our neighborhood now and due to our proximity to KU Medical Center we have several rental properties as well. There are also two hotels within a 1-mile radius of our neighborhood. It seems as though we have adequate short-term lodging.

I respectfully request the Board to vote against the special permit mentioned above until an analysis can be completed. Sincerely, Kelly White.

Mr. Deichler said, the second one was by Jacob Hodson. He resides at 4448 Francis Street in Kansas City, Kansas. He is against the Special Use Permit SP2021-039. He states:

The current Rosedale master plan identifies the block that 4449 Rainbow Boulevard is as a 50% owner occupied neighborhood. The document recommends that neighborhoods that are majority owner occupied be protected as such. Without stronger regulations on short-term rentals areas like mine will continue to see more investors buying property for Airbnbs. These quasi-commercial uses in residential neighborhoods directly compete with hotels in the area. The prevalence of a short-term rental destabilizes hotel operators in the area. No one in our city wants two vacant hotels on Rainbow Boulevard. Please vote no on SP2021-039 and any other short-term rentals until new policies on the matter can be written.

Mr. Deichler said, the third one was from Jesse Dowell, residing at 4462 Cambridge Street in KCK.

I am against special use permit SP2021-039. My concern is that by allowing more short term rentals, especially short term non-owner occupied rentals such as Air B-n-B and other websites and apps, harm will be done to long term residents and the community at large. Turning Residential Zoned houses into money making ventures will increase the property taxes on the non-income generating properties shifting an undue burden on unsuspecting neighbors. More unnerving and disruptive to the community would be the removal of long-term housing sources if additional short-term rentals are granted special use permits in Kansas City, Kansas, like much of

Kansas City Metro Area, is experiencing a housing availability crisis, especially for rental properties. Allowing more of those properties to be removed from the market would only hurt Kansas City, Kansas residents. Please vote NO on SP2021-039 and any other short-term rentals until new policies on the matter can be written. Thank you.

Commissioner Ramirez said, I have one question, and it's from Mr. Farley. It's in the transcript of the Planning Commission where it says, Gunnar Hand says staff also has a condition of approval that the notice of violation will be rectified. What NOV is on the property, and is that due to the current ownership, or was that previous ownership that incurred the NOV?

Mr. Farley said, the notice of violation currently on the property was cited just May 13th of 2021 for structural and cosmetic damage to the east, which is the front, as well as the south facade. There were two small areas that were noted by property maintenance compliance. So, my presumption would be—I spoke to the applicant about this, and he noted that my presumption be that this occurred while the applicant owned the property since this was just noted a month and a half ago.

Commissioner Ramirez said, okay, thank you because I—that was the only place I had seen in the staff report about it, so I wanted to get more information on that. So, thank you.

Commissioner Bynum said, I have questions, I think, for staff and maybe for all of us. I can appreciate the comments of the neighbors, or the neighbors that reside in Spring Valley. It strikes me odd, though, that we would stop one person from a permit for the purpose of a policy discussion. That's what we're being asked to do, and that seems odd.

For staff, when we have a valid protest petition, are we identifying one of the factors to be considered, or is that entirely not in play when there's a valid protest petition on an item on the Planning Agenda?

Misty Brown, Chief Counsel, said, Mr. Farley, please feel free to add on to what I'm saying, but the protest petition does not consider the factors for consideration. It's just goes by the percentages of the neighbors in the area. So, through the discussion, if the commission was going to deny, I would recommend that you consider the golden factors and take that into consideration before you make a motion tonight.

Commissioner Bynum said, I think that's where I'm struggling because we already can see, good or bad, that in this area we do have a number of Airbnbs. So, clearly, they've passed the muster with the golden rules. I don't see a golden factor here to utilize a denial, and I don't believe that because we have enough of these already, or we need to stop and have a policy conversation about how many Airbnbs is too many, is an appropriate reason for denial of one.

Commissioner McKiernan said, I think I'm struggling similar to Commissioner Bynum in terms of a basis on which to overturn this, but just some thoughts. I don't have anybody that I can ask these questions of, so I'll ask them rhetorically to the group. First of all, an observation that the owners of short-term rental properties do make significant investment in improving those properties. They take properties that, in many cases, have been otherwise abandoned or blighted and in disrepair and they invest significantly in those properties. I've seen some pictures of this particular property from awhile back, and it is a remarkably different property today, both in terms of structure and landscaping, than it looks in those previous pictures.

A question that I would ask is, what negative effects have there been recorded from short-term rental properties? Now, I'm not asking for a list of those, but rhetorically, what negative effects have there been?

Then I'd ask this, don't we have remedies for code violations and behavior issues that already exist within our code of ordinances? Aren't there remedies for those problems? I'd ask a second question. Have not those same issues come up in long-term rental properties? If they have, then should we be considering a similar restriction on the number of long-term rental properties? I think not, because I think if we look city-wide, we'd find out that the greater percentage of our properties are rental rather than owner-occupied. I agree, the Rosedale Master Plan says that 50% of the properties would be owner-occupied. That's a great aspiration, but that's not where the market is today.

So, basically, those are my thoughts on this. I worry that there isn't a golden rule on which we deny this, and I also worry that we are setting short-term rentals apart from long-term rentals in terms of the scrutiny—oh, there was one more thing. There was one more thing. Certainly, since it is a Special Use Permit, if there are issues, if there are issues of code violations, if there are issues of tenant behavior, then there are remedies for that and the person who has the Special Use Permit can be brought back to us and can lose that Special Use Permit for not following the rules as

outlined for behavior of occupants and care of the structure. So, there are remedies there. That's all I have to say, thank you.



Commissioner Philbrook said, yes on Commissioner Bynum's statement, and yes on Brian's statement. Plus, I have a concern around—I'm looking at this map showing non-compliant STRs, the ones that have expired permits. If we have remedies, why do we have all these little red dots on here and what are we doing about that? You see what I'm saying? I can understand why the community would have a concern. I'm not siding with anybody on that, but I understand where their concern is. If I had some of those next to me and they were not compliant with even having their STR in place, what are we doing in remedy? That's for a future question, but that comes up and so that's all I have on that.

Commissioner McKiernan said, well, I just did have one follow-up, then. I completely and totally agree with you that it is our responsibility to enforce our rules upon the people who have these Special Use Permits, and maybe, Mr. Farley, you can help me answer this question. If you have an STR with an expired permit, does that mean that there are currently guests being booked into that STR and staying there?

Mr. Farley said, I do not work directly with the enforcement on this, but my understanding is yes, that any red dot that showed up on this map was noted as a short-term rental that had recent guests. Now, I don't know off the top of my head what recent means, but that was, I believe, the standard to which it may... **Commissioner McKiernan** said, so, by noncompliant, you mean does not have a Special Use Permit, and yet we can find listing of this online and we can find residents or guests staying in this structure? **Mr. Farley** said, that is correct. We do have online proof of both advertisement and guests leaving reviews.

Commissioner McKiernan said, then I agree with Commissioner Philbrook. I do understand the concern here. Why are those then allowed to continue operating if we know of them?

Mr. Farley said, my apologies, Commissioner. Was that a question? **Commissioner McKiernan** said, actually it is. I mean, if we have ordinances and those ordinances aren't being followed, there should be consequences. There should be follow-up. Otherwise, we've got the wild, wild west. So, how is it we're not following up on these? Where's our process falling apart?

Mr. Farley said, the short answer is as a planner who is acting as the Director of Planning for this meeting, I don't know if I have the department-wide policy or voice to identify areas.

Commissioner McKiernan said, Mr. Farley, you can stop right there. I have put you unfairly on the spot here because really, this is not your department's job. Your department's job is to go through the Special Use Permit issuance process, which you are doing, and so this is really not your problem. It is our collective problem that we need to make sure that our enforcement capabilities are being exercised to their fullest extent so that everyone who is operating is operating within the letter of our ordinance, and within the good neighbor policy that we should all operate under in terms of the folks around us. Thank you.

Commissioner Ramirez said, this is my district, this is my area. I know this area very well. I will say, and I'm going to be frank, I am conflicted on this. Personally, I am conflicted. I completely, 100% understand where my community is coming from. Their concerns, I understand that 100% because they are real concerns. This is something I encountered a lot when I was walking and door-knocking on these—in this area was that was a big concern was short-term rentals and the density of them. I hope that is something we are looking at as we're rewriting our zoning code, is looking at density as something part of it. But, I'll put a big but, there's a lot of red dots on this map. A lot who are not compliant, who are not following our rules, who are not following our code as they should be. We have very few green dots who are actually following the process and following the rules.

I'm the person where I—I don't want to—I can't think of the right phrasing to say, put someone's transgressions, the whole transgressions of these red dots on one property owner who's trying to do and follow the rules of receiving a short-term rental. Yes, we need to look at the code, making sure it's fair, safe, and conforms with the community and the character of the neighborhood, but I don't see, following what Commissioner Bynum said, where this application

goes against any of our golden rules that we consider. I am still conflicted. I'm going to stop there. I'm going to think, I want to hear from—I see Erin Stryka has her hand up, so I would like to hear her...**Mayor Alvey** said, actually, the public hearing has been closed, so we're in commission discussion.

Commissioner Ramirez said, never mind. Commissioner Bynum has her hand up, so I would like to hear what also she has to say. Thank you.

Commissioner Bynum said, I guess what I want to say is the red dots are apparently staff's work at looking at a VRBO site and identifying addresses where no Special Use Permit exists. This is a product of our staff report. So, question number one is, unrelated to this gentleman's request, have we mailed all of those addresses the proper notification and paperwork that says here's how to get yourself legal?

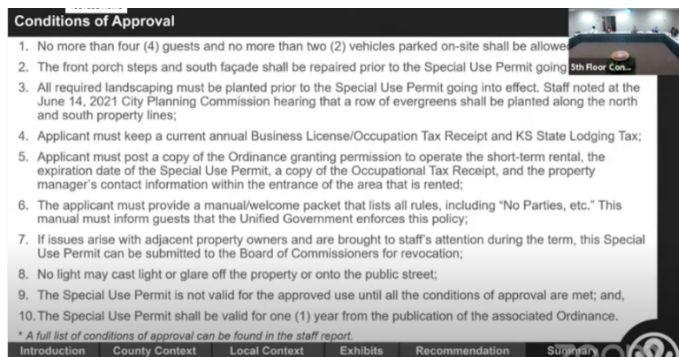
Number two, the yellow dots apparently have expired permits, so are they active Airbnbs or are they no longer in the business? I don't know what expired. I don't know the difference between yellow and red other than, apparently, yellow at one time had a permit and doesn't now. I don't know whether that means they're active or not. If they're active, they need the same notification from our Urban Planning Department that says here's how to get yourself legal.

None of that, in my opinion, has any bearing on a gentleman who's standing in front of us tonight following the rules. He's asking for his permit, and I'm going to go back to maintaining my position that if the red dots and the yellow dots are a concern for us, that's a policy conversation. It is outside the realm of deciding if one person, who's trying to follow our rules, should have his permit. We didn't hear any community members say that there are bad things happening here, that there are parties, that there are excessive people, that there's no place to park. We didn't hear any of that.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application SP2021-039.**

Commissioner Ramirez said, Mr. Farley, I have a request and that might not be just on you, but the entire Planning Department. For all these yellow and red dots, if I could get a document that shows when they were out of compliance. I'm not sure if that's something possible, but just

seeing—I just would like to see how long they’ve been out of compliance, but yet still operating. If that is possible. Thank you.



Roll call was taken on the motion and there were nine “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum; and one “No,” Burroughs.

Item No. 2 – 21896...SPECIAL USE PERMIT APPLICATION SP2021-049 - JOHN L. PETERSON, P.A.

Synopsis: Renewal of a Special Use Permit (SP-2020-33 - expired 5/28/2021) for Performance Auto Service at 1110 Merriam Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, John L. Peterson, representing the property owner in the renewal of a Special Use Permit for the purposes of operating an auto service performance shop at the address of 1110 Merriam Lane. The property owner anticipated relocating their business in 2020 given their one (1) year approval, but they are requesting a one (1) year extension. Two (2) citations have been issued by the Property Maintenance Compliance Division both for violations that disregarded the stipulations and conditions of the previous Special Use Permit in 2018. The first violation is for an excess of cars on the property and not in designated, striped spaces. The second violation was related to cars being parked in locations that block the driveway and drive aisles. The Planning Commission voted 6 to 1 to recommend approval of Special Use Permit Application SP2021-049, for one (1) year, subject to:

1. Approved conditions of approval from 2020:
 - a. No more than 17 cars being parked in the parking lot and shall have striped parking spaces.
 - b. No parking on Stine Avenue or 11th Street.
 - c. No parking in the middle of the parking lot.
 - d. Noise level not to exceed 65 decibels with the doors closed.

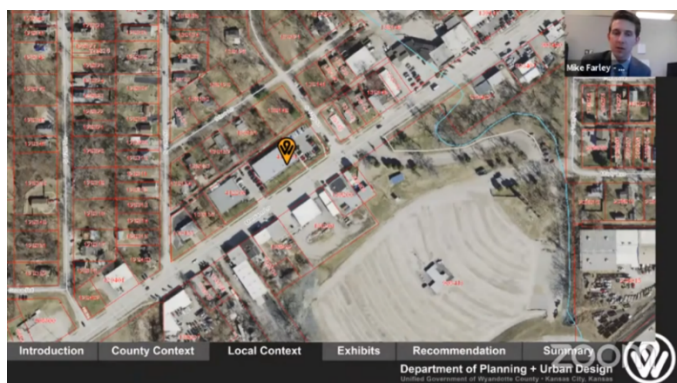
July 1, 2021

- e. No testing of vehicles on the side streets. Testing must be done from Merriam Lane onto Interstate 635;
- 2. Special Use Permits are non-transferrable;
- 3. Sec. 27-467(c)(2) Any making or assembly of products to be sold, including raw materials, and any servicing or repair activities shall be totally within an enclosed building;
- 4. Sec. 27-467(c)(4) No operation shall produce noise that exceeds 60dB(A) at repeated intervals for a sustained length of time measured at any point on the property line. No use shall cause the day-night noise level average to exceed 65dB(A) for any residence for a sustained period;
- 5. Per the Business License Division:
 - a. The business has filed and maintained a current occupation tax application;
- 6. If conditions are not adhered to, this Special Use Permit may be brought to the Unified Government Board of Commissioners for revocation;
- 7. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
- 8. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
- 9. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;
- 10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations; and,
- 11. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new

application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

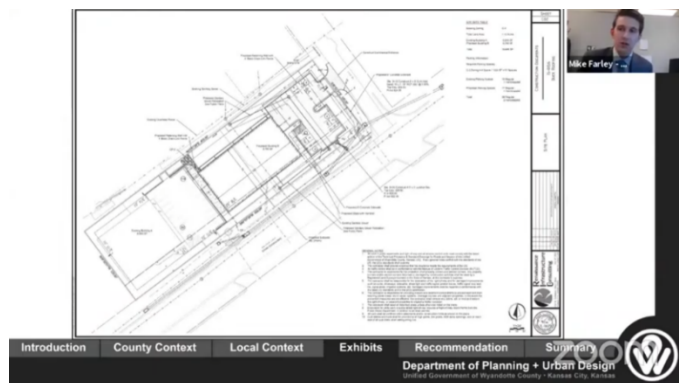
Case	
SP2021-049	
Petitioner	Address
John Peterson	1110 Merriam Lane
Synopsis	
To continue to operate an auto service performance shop.	
Introduction County Context Local Context Exhibits Recommendation Summary	
Department of Planning + Urban Design Unified Government of Wyandotte County - Kansas City, Kansas	

Mike Farley, Department of Planning and Urban Design, said, as mentioned, this is a renewal of an auto repair shop in the Rosedale neighborhood, just off of Merriam Lane, Southwest Boulevard.



The applicant had come a year ago requesting a Special Use Permit for the operation. It was granted the operation for one year. My understanding was that they had given the impression that they were looking to move, that's why it was only granted for one year. They are back, and the applicant can speak more on that about what their plans are going forward, but we wanted to understand why it was only a year-long permit when I understand that most of the time, they are two-year Special Use Permits.

July 1, 2021



I do want to note that there are notices of violation. There's a history of notices of violation on the property, as well as some ongoing citations right now that I believe are still outstanding. Given the question asked in the last case, I can tell you that they have been issued for stipulations in regard to the conditions from the previous Special Use Permit issued in 2018. So, I do not know when they were cited, but it dates back from conditions of approval from the 2018 Special Use Permit.



Mayor Alvey asked, is the applicant available or his legal representation?

Pete Peterson said, I'm a local attorney, 748 Ann Avenue, I represent the applicants. Most of you were here three years ago when we applied and got approved. Most of you were also here last year when we applied for a renewal just for a year because we were going to relocate. Well, we applied for renewal of our SUP in March of 2020 at the infancy of COVID, which made shopping for new locations nigh on impossible for pretty much at least six to seven months of the remainder of that year. The plan is still very much to relocate this business.

July 1, 2021

We're not aware, as I stated at the Planning Commission on June 14th, of any citations or complaints within the last year since it was renewed in 2020. I sent out 29 letters to the neighborhood pursuant to the local rule, and people had more than a month to contact me either by email, by phone, text, regular mail, whatever, and I heard nothing. So, as a consequence, we would simply, on behalf of my clients, like another year and we will, hopefully barring any other cataclysmic tragedy, be relocated from that location.

Public Opposition	Public Support
Opposition was expressed at the City Planning Commission meeting regarding not parking within designated parking spaces, increased traffic and testing on Merriam Lane, and noise saturating the neighborhood.	None to date.
Staff Recommendation Approval Introduction County Context Local Context Exhibits Recommendation Summary Department of Planning + Urban Design United Governments of Escondido County • Rancho City, Rancho	

Mayor Alvey said, I'll now open the public hearing. Is there anyone present in opposition? **Brett Deichler, Interim UG Clerk**, said, seeing none.

Mayor Alvey asked, is there anyone in support? **Mr. Deichler** said, seeing none, as well.

Mayor Alvey asked, did we receive any communication? **Mr. Deichler** said, we did not. **Mayor Alvey** said, thank you, I'll now close the public hearing. We do have one.

Erin Stryka, Rosedale Development Association, 1403 Southwest Blvd., said, RDA opposed this permit three years ago because we don't believe the site is appropriate for this use. I understand the applicant also no longer thinks the site is appropriate and is looking to relocate, and I certainly, certainly understand that COVID has disrupted many of our business plans.

I do want to raise the issues with the site with parking too many cars on the lot, parking on the surrounding streets, noise, and speeding have continued through the previous Special Use Permits with the exception of a couple of months after the Planning Department cited the business for not complying with the Special Use Permit the first time.

My understanding is that since the Planning Commission meeting a couple of weeks ago, a new notice of violation has been issued, again, for parking too many cars on the lot and blocking the surrounding streets.

I understand they're relocating which that's all for the best. I would just ask if this permit were granted tonight, that there be some assurance for the neighbors that this will be the last one, and we won't continue to extend the situation indefinitely. I appreciate the work the Planning Department's doing in enforcing the terms and the stipulations of the SUP, and I trust that they'll continue to do that until the applicant finds a location that works better for them. Thanks.

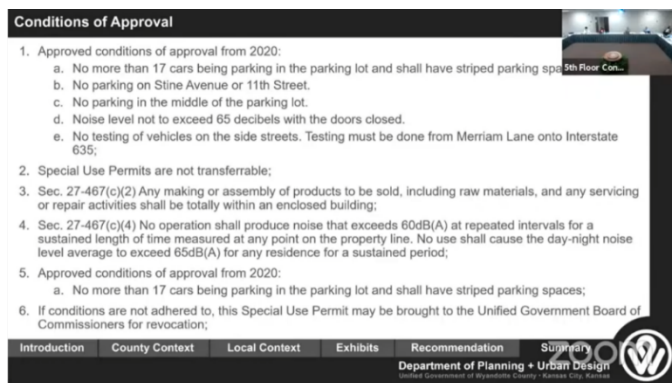
Mayor Alvey asked, is there anyone else present who would like to speak? **Mr. Deichler** said, seeing none.

Mayor Alvey said, I'll close the public hearing.

Mr. Peterson asked, am I allowed to respond, Mr. Mayor? **Mayor Alvey** said, yes. So, now I'll close the public hearing. The applicant.

Mr. Peterson said, briefly, and my client and I realize Erin's got a job to do. At the Planning Commission meeting, she stated that—and she used this word herself—it's all hearsay the last year that people have complained to her about excessive noise, parking, whatever. She said she has no firsthand knowledge of that, and Nathan Reasons on the Planning Commission said then, what basis is there? I agreed wholeheartedly with Nathan at the time that my client was sort of being harpooned with no harpoon. Anyway, we will do our darndest to stick by those stipulations.

With all due respect, Misty, I don't know—I would ask that Erin's request that it be the last. I don't know if that's even legal or permissible. I think these got to be taken one step at a time. I would not be here now if COVID hadn't have happened. They'd have been gone. I would simply ask that we get our one year. They've already got some site potentials and hopefully this will be the end of this, but not a finality type with a vote of such. Thank you.



Misty Brown, Chief Counsel, said, per Mr. Peterson's response, that is correct. We cannot take any action to bind future commissions. So, I'm glad Ms. Stryka spoke her desire, but the commission could not do that.

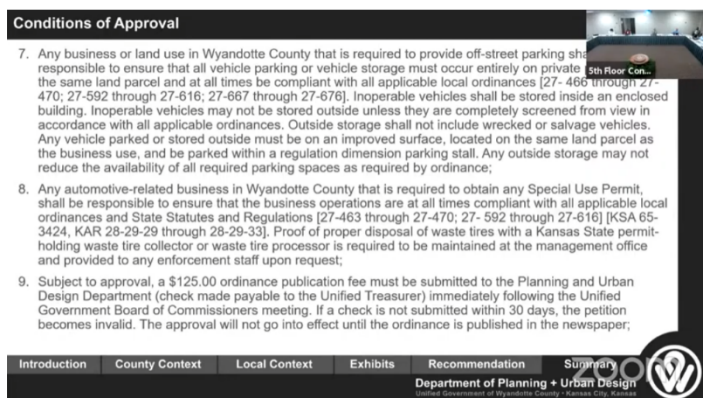
Commissioner Burroughs said, Mr. Peterson, you stated that the occupant is looking at moving. Will they be moving out of the county? **Mr. Peterson** asked, is that directed at me, Mr. Burroughs?

Commissioner Burroughs said, yes, Mr. Peterson.

Mr. Peterson said, in all honesty, I do not represent them, at least yet, on any type of relocation. I know they have looked at one location in Fairfax. I cannot say with any definite yes or no, but I certainly don't want to compromise any negotiations that are undergoing either with potential leases and/or purchases. They may even purchase a building, so I really can't, in short, answer that, Mr. Burroughs, with any finality.

Commissioner Burroughs said, thank you, Mr. Peterson. I would hate to think that we would lose a business to across the state line, but at the same time, I do appreciate your comments in reference to not compromising any negotiations.

Mr. Peterson said, and, Tom, I agree. It's four-to-seven thousand dollars a month in sales tax. I'll do my darndest.



Action: Commissioner Kane made a motion, seconded by Commissioner Walters, to approve Special Use Permit Application SP2021-049 for one year, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Burroughs; and one “No,” Bynum.

Item No. 3 – 21905...SPECIAL USE PERMIT APPLICATION SP2021-50 - RAYMOND KUSH

Synopsis: Special Use Permit for a parking lot (previous Special Use Permit SP-2018-89 expired 11/29/2020) at 1327 Minnesota Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant is requesting a Special Use Permit for a parking lot on a property located at 1327 Minnesota Avenue. The parking lot measures approximately 45’ x 110’ and approximately 12 striped parking spaces. The property has previously received a Special Use Permit for a parking lot, which has been expired for over six (6) months. There is one (1) outstanding violation recorded at this collective subject property. The subject property was cited on April 1, 2021, for operating a parking lot with an expired permit. The subject property has been previously cited by Code Enforcement: May 14, 2021-abatement: weeds & trash, May 11, 2021-enforcement complaint, June 10, 2019- 14-day trash abatement, March 14, 2019-structural issues, Nov. 20, 2018-code administrative citation, Oct. 1, 2019-code administrative citation, Sept. 4, 2018-code administrative citation, May 7, 2018-inoperable and/or unlicensed vehicles on property (seven [7] separate vehicles identified and cited), May 4, 2018-inoperable and/or unlicensed vehicles on property, April 13, 2018- 14-day trash abatement, April 13, 2018-inoperable and/or unlicensed vehicles on property, Oct. 3, 2016-environmental: debris, Sept. 24, 2014-inoperable

July 1, 2021

and/or unlicensed vehicles on property, July 12, 2012-stop work order: parking lot without permits, Jan. 24, 2012-inoperable and/or unlicensed vehicles on property, Oct. 1, 2010-other multiple violations, Feb. 20, 2009-inoperable and/or unlicensed vehicles on property, Aug. 1, 2008, other multiple violations, Sept. 28-2005-environmental: weeds. In the staff report for SP-2018-89, staff quotes a Code Enforcement Division note that states “the property is a constant and ongoing problem. There are vehicles that don’t have proper tags and are inoperable in various stages of body work almost all the time.” The Planning Commission voted 6 to 1 to recommend approval of Special Use Permit Application SP2021-049, for two (2) years, subject to:

- 1) All conditions here within must be completed no later than January 1, 2022, which is six (6) months after the earliest date that SP2021-050 can be heard by the Board of Commissioners. Failure to satisfactorily complete all conditions will result in revocation of the Special Use Permit;
- 2) The following conditions from previous Special Use Permits must be fulfilled and maintained:
 - a) A security camera is installed on their building on the north side of Minnesota Avenue. It is pointed towards the parking lot so they can see what is going on;
 - b) Keep a “No Parking” sign posted;
 - c) Continue to have the (unauthorized) cars towed; and,
 - d) Restore the landscaping according to the previous Special Use Permits SP-2013-38, SP-2016-42, and/or SP-2018-89. As previously stated in the staff report for SP-2018-89, all landscaping restoration must have occurred by April 1, 2019;
- 3) A landscape plan compliant with the Zoning Code must be submitted by June 23, 2021;
- 4) All inoperable vehicles must be removed from the subject property by June 23, 2021. Under SP2021-050, the subject property shall not be used as a parking lot for inoperable vehicles;
- 5) The parking lot must be in compliance with all relevant ordinances, specifically Sections 27-667 to 27-676;
- 6) The parking lot must be restriped subject to Section 27-667(a). With the existing dumpster in its current location, no more than 11 head-in parking spaces can fit within the arrangement;
- 7) Per Section 27-672, required off-street parking shall be within 100 feet, or in the case of employee parking within 300 feet, of the same lot. The parking lot may only provide required parking spaces for customers of businesses within 100 feet of the property or for employees of businesses within 300 feet of the property. Unless provided otherwise by a separate planning entitlement or parking agreement, the subject property may only provide required parking to the parcels which currently as of June 14, 2021 contain the following addresses:
 - a) 1300, 1300 H, & 1302 Minnesota Avenue (employees only);
 - b) 1301 Minnesota Avenue (employees only);
 - c) 1304 & 1306 Minnesota Avenue (employees only);
 - d) 1310 Minnesota Avenue (employees only);
 - e) 1311 Minnesota Avenue;
 - f) 1314, 1320, 1322, 1324, 1326, & 1328 Minnesota Avenue;
 - g) 1315 & 1327 State Avenue (employees only);
 - h) 1400 Minnesota Avenue (employees only);
 - i) 1401 Minnesota Avenue;

July 1, 2021

- j) 1403 Minnesota Avenue (employees only);
 - k) 1404 Minnesota Avenue (employees only);
 - l) 1406 Minnesota Avenue (employees only);
 - m) 1410 Minnesota Avenue (employees only);
 - n) 1413 Minnesota Avenue (employees only);
 - o) 1414 Minnesota Avenue (employees only);
 - p) 1416 Minnesota Avenue (employees only); and,
 - q) 1417 Minnesota Avenue (employees only);
- 8) The applicant must establish a Street Wall, as identified in the Downtown Area Master Plan, to run along the subject property's boundaries with the public right-of-way on Minnesota Avenue and on North 14th Street;
 - 9) Per Section 27-575(g)(3), the dumpster on site must be enclosed by a screening wall at least six (6) feet in height on all sides, have a designated gate facing away from streets or adjacent land uses, and must be constructed with masonry;
 - 10) The parking lot must be restriped in order to demonstrate designated parking spaces, thus ensuring compliance with the Zoning Code and safety to all drivers, passengers, and pedestrians;
 - 11) All existing prohibited signs on the property must receive a sign permit or be removed;
 - 12) The portion of the sidewalk on North 14th Street adjacent to the subject property must be restored and extended to connect to the sidewalk network along the south side of Minnesota Avenue;
 - 13) According to Sec. 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
 - 14) All exterior lighting must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. Any illumination that results from use of the parking lot shall not be seen or otherwise impact adjacent residential uses;
 - 15) The applicant must file and maintain a current business occupation tax application and entertainment license;
 - 16) This Special Use Permit is for a temporary use of land for commercial or industrial uses. Per Section 27-593(a)(28), a permit for such a temporary use shall not be approved for more than two years maximum. As this Temporary Use of Land Special Use Permit (SUP) has been renewed multiple times in the past as a means for the continuance of the use, the Planning and Urban Design Department will honor that existing agreement in perpetuity but will not approve the SUP for more than two (2) years at a time. If the SUP is not renewed prior to the date of this permit's expiration, and/or if it is ever revoked for non-compliance, all similar requests in the future will only be allowed for the two (2) years maximum as per the Code in order to allow the applicant to find a permanent solution;
 - 17) Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning

Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

- 18) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 19) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
- 20) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Case

SP2021-050

5th Floor Con...

Petitioner

Raymond Kush, with Luke Kush Corporation

Address

1327 Minnesota Avenue
Kansas City, Kansas 66102

Synopsis

The applicant, Raymond Kush with Luke Kush Corporation, is requesting a Special Use Permit for a parking lot on a property located at 1327 Minnesota Avenue. The parking lot measures approximately 45' x 110' and approximately 12 striped parking spaces. The property has previously received a Special Use Permit for a parking lot, which has been expired for over six (6) months.

Introduction

County Context

Local Context

Exhibits

Recommendation

Summary

Department of Planning + Urban Design

Unified Government of Wyandotte County and Kansas City, Kansas

Mike Farley

Introduction

County Context

Local Context

Exhibits

Recommendation

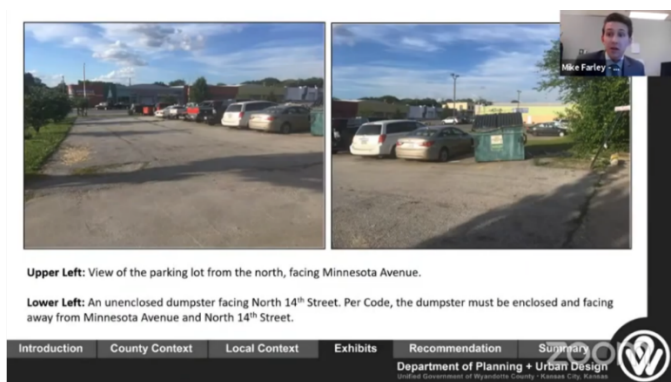
Summary

Department of Planning + Urban Design

Unified Government of Wyandotte County and Kansas City, Kansas

Mike Farley, Department of Planning and Urban Design, said, this parking lot is a new Special Use Permit for a preexisting parking lot at the corner of 14th and Minnesota Avenue, within the

Downtown Area Master Plan. Staff has noted several conditions of approval that the applicant would need to meet in order for—that was all passed by the City Planning Commission.

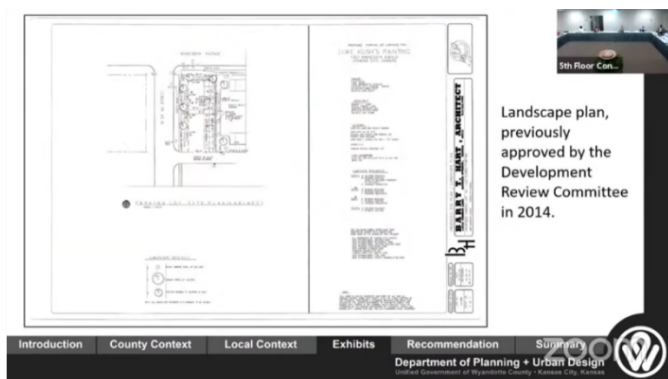


This would include restriping the parking lot, providing screening of the dumpster on the property that would be masonry with swingable gates.

There's also been a history of notice of violations on the property as well with everything from inoperable vehicles to trash and garbage.



Additionally, staff has stipulated that the sidewalk from the property down to the corner—so this will be along the west side of the parcel—be renovated in order to continue sidewalk connectivity that serves our downtown area.



Gracie Kush said, we are going to comply with everything that they need to get done, and we'll get that done. I've had issues with tenants and random people parking, but the cars are towed as often as I can do. Trash, a lot of times, is dumped there by neighboring people. We have a lock on the dumpster because if we don't, it gets overloaded, but if it's locked and they come down, they just throw it out so we have to pick it up and we try to keep that as clean as we can. We are planning to get everything taken care of that you need us to do on this Special Use Permit. Thank you.



Mayor Alvey asked, is there anyone present who would like to speak in opposition? **Brett Deichler, Interim UG Clerk**, said, seeing none.

Mayor Alvey asked, did we have any written communication? **Mr. Deichler** said, we received none.

Mayor Alvey asked, anyone would like to speak in support? **Mr. Deichler** said, seeing none.

Mayor Alvey said, I'll now close the public hearing.

Public Opposition	Public Support
None to date.	None to date.

5th Floor Con...

Staff Recommendation

Approval

Introduction County Context Local Context Exhibits Recommendation Summary

Department of Planning + Urban Design
United Government of Wyandotte County - Kansas City, Kansas

Commissioner McKiernan said, Ms. Kush, we appreciate your presence in the downtown on Minnesota Avenue for many years now, and I do ask that you please do comply with the stipulations that our Planning Commission put forward.

Conditions of Approval

1. All site improvements here within must be completed no later than January 1, 2022, which is subject to the earliest date that SP2021-050 can be heard by the Board of Commissioners. Failure to complete all conditions will result in revocation of the Special Use Permit;
2. All inoperable vehicles must be removed from the subject property by June 23, 2021. Under SP2021-050, the subject property shall not be used as a parking lot for inoperable vehicles;
3. The parking lot must be restriped subject to Section 27-667(a);
4. Per Section 27-672, required off-street parking shall be within 100 feet, or in the case of employee parking within 300 feet, of the same lot. The parking lot may only provide required parking spaces for customers of businesses within 100 feet of the property or for employees of businesses within 300 feet of the property;
5. The portion of the sidewalk on North 14th Street adjacent to the subject property must be restored and extended to connect to the sidewalk network along the south side of Minnesota Avenue;
6. Per Section 27-593(a)(28), a permit for a temporary use shall not be approved for more than two years; and,
7. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local.

* A full list of conditions of approval can be found in the staff report.

Introduction County Context Local Context Exhibits Recommendation Summary

Department of Planning + Urban Design
United Government of Wyandotte County - Kansas City, Kansas

That will make you an even better neighbor on Minnesota Avenue, and it will definitely help out your business and all the other businesses around you.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Walters, to approve Special Use Permit Application SP2021-050 for two years, subject to the stipulations.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

July 1, 2021

REGULAR AGENDA

REGULAR CONSENT AGENDA

Mayor Alvey asked, does any member of staff or commission wish to set-aside any item on the Consent Agenda? Any item not removed will be voted on by a single vote.

Action: **Commissioner Ramirez made a motion, seconded by Commissioner Markley, to approve all items as submitted.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Item No. 1 – 21881...GRANT: 2022 FISCAL YEAR VOCA

Synopsis: Request permission to submit an application for the FY2022 VOCA grant to help fund the Victim Services Unit, submitted by Wendy Medina, Police Department. The grant amount is for \$369,335 in federal funds with a required match by the KCKPD. On June 21, 2021, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **Commissioner Ramirez made a motion, seconded by Commissioner Markley, to approve.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Item No. 2 – 21910...NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Nominations to Boards and Commissions:

Ollie Carroll to the Commission on Human Relations & Disability Issues, 7/1/21-12/13/21, submitted by Commissioner Philbrook

Marc Potter to the Wyandotte/Leavenworth Area Wide Advisory Council on Aging, 7/1/21-12/13/21, submitted by Commissioner Philbrook

Evelyn Hill to the Planning Commission & Board of Zoning Appeals, 7/1/21- 12/13/21, submitted by Commissioner Philbrook

Action: **Commissioner Ramirez made a motion, seconded by Commissioner Markley, to approve.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

July 1, 2021

Item No. 3 – 21923...PLAT: PIPER CREEK PUMP STATION

Synopsis: Plat of Piper Creek Estates located at Leavenworth Road and 138th Street and being developed by the Unified Government of Kansas City, Wyandotte County, Kansas, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Action: Commissioner Ramirez made a motion, seconded by Commissioner Markley, to approve and authorize the Mayor to sign said plat. Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Item No. 4 – 21924...PLAT: PROJECT SUPERBOWL – LOGISTICS PARK

Synopsis: Plat of Project Superbowl - Logistics Park located at 99th and Leavenworth Road and being developed by SP Bennet Lake Development, LLC, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Action: Commissioner Ramirez made a motion, seconded by Commissioner Markley, to approve and authorize the Mayor to sign said plat. Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Item No. 5 – MINUTES

Synopsis: Minutes from regular session of May 27, 2021, and special session of June 10, 2021.

Action: Commissioner Ramirez made a motion, seconded by Commissioner Markley, to approve. Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Item No. 6 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated June 24, 2021.

Action: Commissioner Ramirez made a motion, seconded by Commissioner Markley, to receive and file. Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

PUBLIC HEARING AGENDA

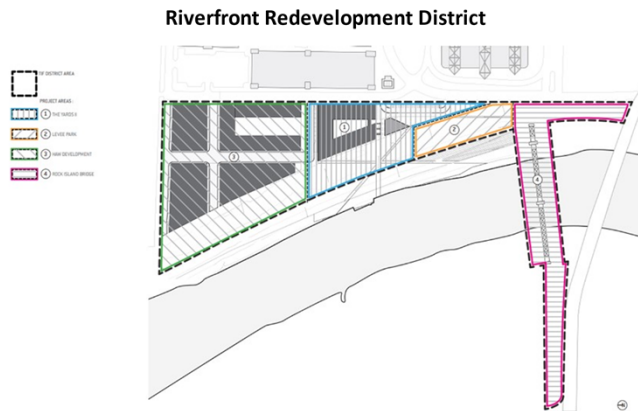
Item No. 1 – 21779...PUBLIC HEARING/ORDINANCE: ROCK ISLAND BRIDGE PROJECT

Synopsis: Conduct a public hearing to consider an ordinance to approve the Redevelopment Project Plan for Area 4 of Riverfront Redevelopment District. On May 27, 2021, the Commission unanimously adopted Resolution No. R-38-21 setting the public hearing.



Patrick Waters, Deputy Chief Counsel, said, this is the final step in the TIF process for the Rock Island Bridge. This presentation is very similar to the information that you heard last month. The TIF statute requires that we present this information to you, however, so I will give a brief presentation. You are officially being asked tonight to adopt the project plan for Project Area No. 4.

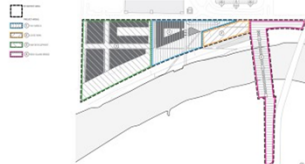
July 1, 2021



Here is a picture of the overall map of the Riverfront Redevelopment District, and there are four separate project areas within this district. The first is the Yards II Apartments, which has already been approved. You also have the Levee Park, future use. You have what's titled the Haw Property, which is contemplated to be either multi-family or commercial mixed-use. Finally, of course, you have Project Area No. 4, which is what we're here to talk about tonight.

The Riverfront Redevelopment District was approved August 13, 2020 and amended May 13, 2021.

- Four Project Areas:
 - Project Area #1— Yards II Apartments
 - Project Area #2— Levee Park
 - Project Area #3— Haw Development multi-family/commercial/mixed-use
 - Project Area #4— Rock Island Bridge



Again, the district was formerly approved on August 13th and the amended district, which added a little bit of extra property on each side of the river, was just approved on May 13th.

Rock Island Bridge

- 700 ft steel and concrete deck
- Public trail crossing
- Food Hall/Coffee shop
- Event Space
- Community spaces



July 1, 2021

So, Project Area 4 consists mostly of the Rock Island Bridge. As you know, it's a 700-foot-long steel and concrete structure. It will serve as a public trail crossing that will have restaurants, coffee shops. We'll have event space on the top deck, and it's contemplated to have community spaces for non-profits and other organizations.

Project Area #4 - Feasibility Study

The Feasibility Study found that the Rock Island Bridge project will provide significant economic activity for the Unified Government and that the benefits and revenues derived from the project will exceed the costs and will be sufficient to pay for the project.



In the bottom line of the feasibility study is that they found that the project will provide significant economic activity, and that the benefits and revenues that will come from the project will exceed the cost and will be sufficient to pay for the project.

TIF Revenue Projections

Riverfront TIF District - Project Area 4											
Projected Incremental Tax Revenues											
	Annual Value		Assessment		Base Value	Annual Sales		Sales Tax		Total Estimated TIF Revenues	
	Increase	Rate	Rate	Base Value		Increase	Rate				
	2.0%	25.0%		\$ 50,517		3.0%	1.94%				
Year	Estimated Actual Value	Estimated Assesed Value	Total Mill Levy	Value of Property Tax TIF		Value of Sales Tax TIF					
				Mill/Levy Captured	Estimated Property Tax Revenues	Estimated Taxable Sales	Estimated Sales Tax Revenues				
1	\$ 202,068	\$ 50,517	181.77	152.27	\$ (0)	\$ -	\$ -	\$ -	\$ (0)		
2	\$ 1,318,518	\$ 329,630	181.77	152.27	\$ 42,500	\$ 1,743,350	\$ 33,821	\$ -	\$ 76,321		
3	\$ 1,344,888	\$ 336,222	181.77	152.27	\$ 43,504	\$ 1,795,651	\$ 34,836	\$ -	\$ 78,340		
4	\$ 1,371,786	\$ 342,947	181.77	152.27	\$ 44,528	\$ 2,406,373	\$ 46,680	\$ -	\$ 91,208		
5	\$ 1,399,222	\$ 349,805	181.77	152.27	\$ 45,573	\$ 2,478,358	\$ 48,080	\$ -	\$ 93,653		
6	\$ 1,427,206	\$ 356,802	181.77	152.27	\$ 46,638	\$ 2,552,709	\$ 49,523	\$ -	\$ 96,160		
7	\$ 1,455,750	\$ 363,938	181.77	152.27	\$ 47,725	\$ 2,629,290	\$ 51,008	\$ -	\$ 98,733		
8	\$ 1,484,865	\$ 371,216	181.77	152.27	\$ 48,833	\$ 2,708,169	\$ 52,538	\$ -	\$ 101,371		
9	\$ 1,514,563	\$ 378,641	181.77	152.27	\$ 49,963	\$ 2,789,414	\$ 54,115	\$ -	\$ 104,078		
10	\$ 1,544,854	\$ 386,213	181.77	152.27	\$ 51,116	\$ 2,873,096	\$ 55,738	\$ -	\$ 106,855		
11	\$ 1,575,751	\$ 393,938	181.77	152.27	\$ 52,293	\$ 2,959,289	\$ 57,410	\$ -	\$ 109,703		
12	\$ 1,607,266	\$ 401,817	181.77	152.27	\$ 53,492	\$ 3,048,068	\$ 59,133	\$ -	\$ 112,625		
13	\$ 1,639,411	\$ 409,853	181.77	152.27	\$ 54,716	\$ 3,139,510	\$ 60,906	\$ -	\$ 115,623		
14	\$ 1,672,200	\$ 418,050	181.77	152.27	\$ 55,964	\$ 3,233,695	\$ 62,734	\$ -	\$ 118,698		
15	\$ 1,705,644	\$ 426,411	181.77	152.27	\$ 57,237	\$ 3,330,706	\$ 64,616	\$ -	\$ 121,833		
16	\$ 1,739,756	\$ 434,939	181.77	152.27	\$ 58,536	\$ 3,430,627	\$ 66,554	\$ -	\$ 125,090		
17	\$ 1,774,552	\$ 443,638	181.77	152.27	\$ 59,860	\$ 3,533,546	\$ 68,551	\$ -	\$ 128,411		
18	\$ 1,810,043	\$ 452,511	181.77	152.27	\$ 61,212	\$ 3,639,553	\$ 70,607	\$ -	\$ 131,819		
19	\$ 1,846,244	\$ 461,561	181.77	152.27	\$ 62,590	\$ 3,748,759	\$ 72,726	\$ -	\$ 135,135		
20	\$ 1,883,168	\$ 470,792	181.77	152.27	\$ 63,995	\$ 3,861,201	\$ 74,907	\$ -	\$ 138,903		
Total Value					\$ 1,000,276		\$ 1,084,482		\$ 2,084,758		

* Excludes 21.5 mills for state school levy and 8 mills for school capital outlay.

Assume AV of \$135 psf for 8,270 sf of private space on bridge. Also assume property in Base AV retains its current \$202,068 value.

Sales Tax estimates based on HR&A Study, December 2020.

The feasibility study determined that from the increment in both property taxes and sales taxes alone would be sufficient to cover the \$2M contribution from the Unified Government. That's the number down here below over 20 years.

July 1, 2021



*Providing \$75,000 upfront with a one-to-one match for final design & construction documents.

**Remainder of funding would be transferred as the last money into the project.

However, when you take into account the fact that there will also be a CID, they estimated that it will actually be paid off in as early as 12 years.

- Annual Rent: \$9,300 annual with CPI inflation
 - Total over 20 years = \$249,894
- Revenue Share = \$300,571
- Sales Tax Revenue (post TIF termination) = \$556,554
- Property Tax Revenue (post TIF termination) = \$780,927
- Fiber Conduit Lease = \$25,000 annually
 - Total over 20 years = \$500,000

Total UG Financial Benefit over 20 years = \$2,387,946

In addition to those revenues, there will be an annual rent payment, there's a revenue sharing plan. We will receive the sales taxes and the property taxes. After the TIF terminates, there's also a fiber conduit that goes through the bridge, and once the Unified Government takes ownership, we would have the right to lease that out. So, those are all the potential revenues from this project. That is all I have for the presentation. Happy to answer any questions.

Mayor Alvey asked, Mr. LaSala, do you have anything to add? **Todd LaSala** said, no, Mayor. Patrick covered it very well tonight. Thank you.

Mayor Alvey said, I'll now open the public hearing. Ask the Clerk if we received any notification from the public who wished to speak on this item. **Brett Deichler, Interim UG Clerk**, said, none were received.

Mayor Alvey asked, is there anyone present who would like to speak in opposition? **Mr. Deichler** said, seeing none.

Mayor Alvey said, I'll now close the public hearing. Any comments, questions from the commission?

Action: **ORDINANCE NO. O-92-21**, "An ordinance of the Unified Government of Wyandotte County/Kansas City, Kansas, adopting a redevelopment project plan pursuant to K.S.A. 12-1770 et seq., and amendments thereto, for Project Area 4 within the Riverfront Redevelopment District." **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten "Ayes," Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

ADMINISTRATOR'S AGENDA

Item No. 1 – 21925...COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE PERIOD ENDED 12/31/2020

Synopsis: Presentation of the Unified Government's Comprehensive Annual Financial Report for the Fiscal Year ended December 31, 2020, submitted by Kathleen VonAchen, Chief Financial Officer; Debbie Jonscher, Deputy Chief Financial Officer; and Pamela Kahao, Accounting Manager.

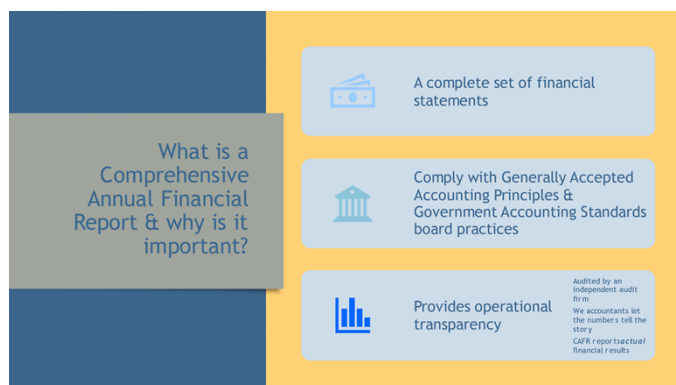
A full version of this report is available at:

<https://www.wycokck.org/files/assets/public/finance/documents/2020-cafr.pdf>

Debbie Jonscher, Deputy Chief Financial Officer, said tonight we are here to present the results of the Comprehensive Annual Financial Report.

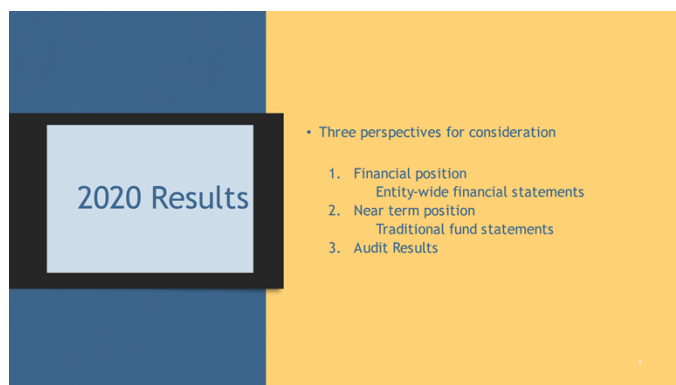


As I stated, we're here to present the results of the Comprehensive Annual Financial Report for the period ended December 31st, 2020.



The purpose of the Comprehensive Annual Financial Report is to provide accurate and meaningful information on the government's financial performance. It contains a complete set of financial statements. The statements comply with generally accepted accounting principles and governmental accounting standards board practices. It also provides operational transparency. The financial statements are audited by an independent audit firm. The Comprehensive Annual Financial Report reports actual financial reports, which is a little bit different than the budget, which is actually a financial plan for the future. So, I'm going to turn this over to Pam Kahao, our Accounting Manager, and she's going to present those results.

Pam Kahao, Accounting Manager, said, we're here to talk about the 2020 financial results for the 2020 audit.

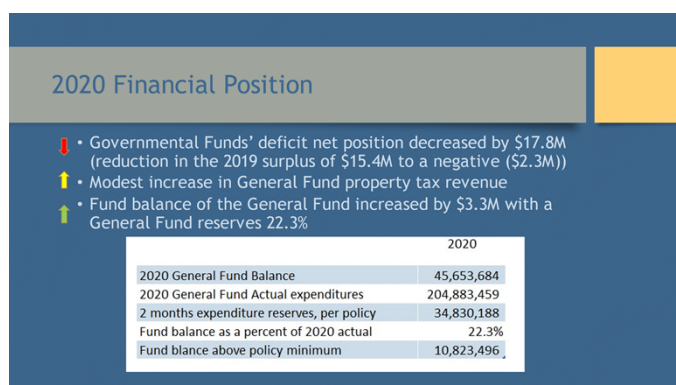


So, we have three perspectives for consideration. Our first perspective is our financial position. What that is on the government-wide, or entity-wide financial statement is our long-term liabilities, our assets, our depreciation on those assets, and the debt.

The second position is the net-term position, which are our fund financials or governmental fund financials. Those represent—they are traditional fund statements, and those are more of a near-term position, meaning things that are payable and receivable within the same calendar year. So, it really covers like the current period.

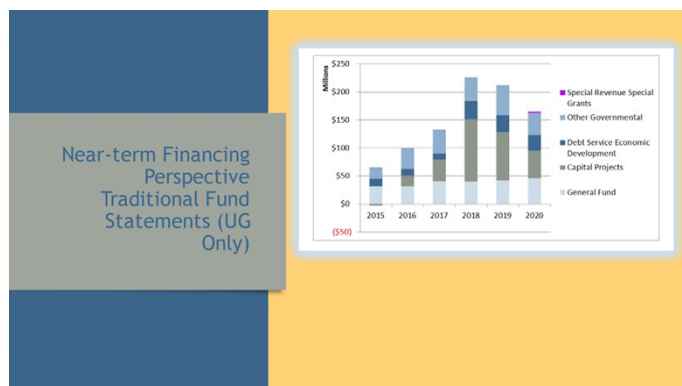
Then, the third perspective are our audit results.

This evening, Tara Laughlin, with AGH, will be speaking more about this, but we did have a good audit season, so we're really pleased about that.



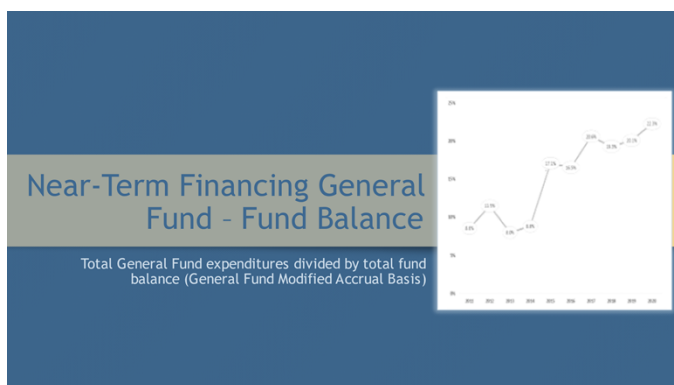
So, our 2020 financial position. Our government funds, deficit net position decreased by 17.8M. That was a reduction of our 2019 surplus of 15.4M, which resulted in a 2.3M negative position for 2020. We did have a modest increase in the General Fund property tax revenue, and the fund balance of the General Fund increased by 3.3M with a General Fund Reserve—our rainy-day fund, if you will—of 22.3, which is at two months of funds that we want to be able to cover expenditures in the event of a rainy day. That's presented here on this chart, and we have our fund balance, our

actual expenditures is calculated out to 22.3. Our fund balance above the policy minimum is \$10M.



Next, we'll speak to our near-term financing perspective on our traditional fund financials. Here, the government's financial position remains strong. We kind of suffered as a result of COVID-19, financially. The governmental fund's equity is presented as the fund balance here, and our special revenue—here on this statement, the financial statement for the governmental fund financials.

Typically, we have four columns, one for the General Fund, which is our bread and butter, Police and Fire, and some other administrative type services. Capital projects, which fund our projects and our infrastructure. Our debt service, which are our projects funded by our debt, and our other governmental, which are primarily our special revenue funds. This year, due to the funding we received as part of the COVID relief funds, or the CARES Act, we do have this tiny little pink piece that became its own column. It became a major fund in 2020. Typically, the special revenue, special grants, are presented in the other governmental. This year, this tiny little slice, 2.5M, that landed as a major fund due to the composition of the revenues and expenditures and assets and liabilities.



This is a perspective of a ten-year representation of our fund balance. As you can see, the last two years we've had increase in our fund balance after a debt in 2018, between '17 and '18. So, we're trending in the right direction. That still is representative of our rainy-day fund.

Financial Statement Audit Results

- As we present the 2020 Comprehensive Annual Financial Report tonight, the Unified Government has no financial statement findings.

So, our financial statement audit results. As we present the 2020 Comprehensive Annual Financial Report tonight, the Unified Government has no financial statement findings, which is really remarkable. We churned through a lot of work in 2020, primarily representative of the COVID relief funds. Tara will talk more on this later with AGH. She's the partner on our engagement.

GFOA Recognition



Unified Government Received:

Government Finance Officers Association

Certificate of Achievement for Excellence in Financial Reporting

20 Consecutive Years

The GFOA recognition, I see we have an error on this slide. That should be 21 consecutive years, so we shorted ourselves a year on this slide, but we did receive the Achievement for Excellence in Financial Reporting again for 2019. We only had a few couple of comments that were really insignificant.



Finally, that concludes my presentation this evening. I'd like to thank the Board of Commissioners; UG departmental staff, Doug Bach; Kathleen VonAchen, our Chief Financial Officer; Debra Jonscher, our Deputy Chief Financial Officer; the Accounting Division staff; Ron Green; Reginald Lindsey; Rick Mikesic; and last but not least, external audit team Allen, Gibbs, Houlik. They do a wonderful job for us every year, and we are really glad to have them aboard.



With that, I'm going—I do have one more point I want to make. So, our financial report is found on the public facing UG website. New for 2020, we were able to turn out the Popular Annual Financial Report, the PAFR, as of December 31st, 2020. What that is, is a community report that's kind of an abbreviated, or maybe the Cliff's Notes version of our Comprehensive Annual Financial Report for constituents in the community to be able to read results that aren't 235 pages long. So, this is more like 20. Breaks it down, has some good—it has a glossary in there, so forth. So, that

is available also on our public facing site this year, and that's a new addition in our report arsenal. With that, I'm going to turn it over to Tara Laughlin with AGH.

Tara Laughlin, Allen, Gibbs & Houlik, said, I am a vice president in our government assurance practice at Allen, Gibbs & Houlik, and we are the external financial statement auditors for the Unified Government. Before I get into the details of what I am required to report every year after the audit, I just want to thank Kathleen, Debbie, Pam, all the folks that assisted us throughout the Unified Government during the audit process. All of our requests and questions were answered timely, and it really made for a smooth audit this year.

I do want to touch briefly on the scope of services that we do provide at the Unified Government. So, of course, tonight we're discussing the financial statement audit. We do also perform the single audit, which is the audit over the Unified Government's federal expenditures. That is still in process, so we're not discussing results on that. That would be, for example, we'll be looking at the CARES expenditures and were they spent in line and used for allowable costs under that program. So, that is still in process. The third service we provide for the Unified Government relates to a required and agreed upon procedures under state statute for STAR bond expenditures. So, we select a sample of expenditures that are done with STAR bond monies and ensure that they are in compliance with statutes that govern those districts. We had no findings of those as well.

My primary purpose tonight is to discuss the financial statement audit. We did issue an unmodified opinion, or a clean opinion, on those financial statements which means that the financial statements materially reflect the books and records of the Unified Government for fiscal year 2020.

There are some communications under auditing standards we are required to go over with the governing board annually. You should have received a letter, and I'm going to kind of touch the highlights of that letter throughout my presentation tonight.

First off, if you are looking at last year's financial statement compared to this year's financial statement, there are two new standards that under government accounting standards, the Unified Government was required to implement this year.

The first relates to providing a clearer definition of what a fiduciary activity is. The importance of this is if an activity is fiduciary, where the Unified Government is holding money purely in a

custodial capacity where that money can't be used for the UG operations, you're holding it for a third party, while that information is presented within the financial statements, it's not part of the main financial statements because, again, that money can't be used for Unified Government activities. This standard was issued by the Accounting Board because there were inconsistencies in practice.

So, during this year, the Unified Government did have to evaluate all the activity that was in fiduciary activities in prior years to see if it was still in line with the new definition. There were three or four activities that were reported last year that did not meet the new definition of being fiduciary. These mostly relate to payroll clearing accounts. So, that is related to UG operations, not really a third party. So, for financial reporting purposes only at year end, the cash and the related liability is reported with the General Fund, but there is no net impact on General Fund activity. It just grosses up the cash with the related liability until those payroll taxes are paid. For operational purposes, everything is still being done the way it was in the prior year. It's a financial reporting item.

The second standard is a footnote disclosure item only, so it doesn't change how anything's accounted for. It's related to providing some additional information for debt and if there are any finance-related consequences of default for any of your debt, that is now disclosed in the financial statements as required by the standard. So, it just provides readers and users of the financials a little bit more information related to your debt issuances and what is in those debt agreements. So, both those standards were implemented this year by the Unified Government. Neither really had a significant dollar impact on the financial statements themselves, but the Unified Government did implement those as required by the Accounting Standards Board.

Next, I would just like to go over that there are significant accounting estimates within the financial statements. Not all numbers can be hard fast known numbers in these financials. The significant accounting estimates are the same as they have been in prior years. They are outlined and detailed within the letter, but these are items, for example, liabilities related to the Unified Government being self-insured for workers' compensation and health insurance. The Unified Government shared the net pension liability, the liability related to other post-employment benefits, so retirees being able to stay on the health plan, compensated absences, those kind of items is what's included in those significant estimates. Our requirements related to those estimates is to obtain an understanding of how management determines those estimates. We review the

input data, the calculations, the output for reasonableness. In all of those estimates that are listed in the letter, we did find that those estimates were being done reasonably by management.

As Pam mentioned, overall, we had a very clean audit this year. We did have four audit adjustments, which if you take into account the number of transactions processed in any given year, that's a pretty small number of audit adjustments. One of those adjustments had a net impact really of zero, it just was for reporting purposes had to be done. When the Public Building Commission issues bonds, that activity for operations purposes is processed one way, but for financial reporting purposes, we had to split it out. So, it just was moving to a different bucket. We did adjust accrued interest in the Sewer and Stormwater Funds to properly reflect the interest that was owed at year end. For accounts payable, we found one item in the Capital Projects Fund that needed to be recorded. Then, in the Self-insurance Fund, we found one item that was actually not owed at year end, so we removed that amount out of accounts payable. Last but not least, in the Sewer Fund, we had a duplicated asset, so we just removed the duplication of the asset. So, again, those four adjustments overall. Very clean audit.

We're also required to discuss any uncorrected misstatements with the governing board. Uncorrected misstatements are items that were identified during the audit, but unlike audit adjustments, aren't reflected within those financial statements. These are items that management has determined are not material to the financials or one of being misleading to users, and through all of our requirements, we've evaluated that and agreed with management that it wouldn't be. Uncorrected misstatements self-correct, so it's not an issue of the transactions never going to be recorded, it's a timing issue of it being recorded in a certain period. So, we only had two of those.

The first one actually related to a revenue accrual from the prior year. So, again, a timing issue. So, by the end of 2020, it was properly reflected.

Then, the last uncorrected misstatement is a common one for a lot of entities. During the audit process, an estimate is done for a potential legal liabilities from items that are out there that aren't completed yet. Then, towards the end of the audit, we get information from various attorneys on the probability of those items and we kind of compare that to the estimate that's done during the audit process. A lot of times, there is a variance there and if it's not significant, instead of flowing that all the way through the financials, we put it in the uncorrected misstatement bucket. So, that is the second item. It's just the difference between the estimate done earlier in the process versus at the end of the processing information we obtained on those potential legal items.

So, again, just to reiterate overall, a really clean audit process. In the middle of the letter, I like to point it out, it's under Other Disclosure header. We had no disagreements with management. As I mentioned, all of our requests were answered timely; support was provided timely. We still did a little bit of onsite and offsite auditing this year with COVID, and so the audit process went really smoothly with all of the issues that are still kind of going on related to those situations.

The remainder of the letter provides information on four, five different just general information we provide to all of our governing boards, whether it's a corporate, not-for-profit, or government industry; just information that's out there in the environment, risk areas, items for you to consider as you go throughout the year with your service on the governing board.

The main one I'm going to highlight relates to information security governance. As you all are aware, there's increases in cybersecurity threats. So, we do like to provide some detailed information on what's going on in that area, so that as you go throughout the year, you can consider those issues as it relates to the Unified Government. That is the end of my required communication, so I will open it up if anybody has any questions.

Mayor Alvey asked, any comments or questions? All right. Thank you so much. This item was for information only.

Mayor Alvey said, at this time, the commission will go into executive session for preliminary discussion of the acquisition of real property and for consultation with legal counsel regarding litigation.

Action: Commissioner Markley made a motion, seconded by Commissioner McKiernan, to go into executive session until 9:45 p.m. to consult with our attorneys and to discuss confidential matters related to pending claims and litigation and for preliminary discussions regarding purchase considerations related to the acquisition of real property for public improvements as permitted under the Kansas Open Meetings Act, and that staff designated by the County Administrator be present to participate in the discussion. Roll call was taken and there were eleven "Ayes," Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Alvey.

**MAYOR ALVEY
ADJOURNED THE MEETING AT 9:50 P.M.
JULY 1, 2021**

Brett A. Deichler, PMP|CPM
Interim Unified Government Clerk

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July 1, 2021

STATE OF KANSAS)
WYANDOTTE COUNTY)) SS
CITY OF KANSAS CITY, KS)

SPECIAL MEETING, THURSDAY, JULY 15, 2021

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in a Special Commission Meeting, Thursday, July 15, 2021, with ten members present. Bynum, Commissioner At-Large First District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO presiding. Burroughs, Commissioner At-Large Second District; was absent. The following officials were also in attendance: Doug Bach, County Administrator; Alan Howze, Emerick Cross and Melissa Sieben, Assistant County Administrator's; Bridgette Cobbins, Interim Assistant County Administrator; Brett Deichler, Interim Unified Government Clerk; Misty Brown, Chief Counsel; Kathleen VonAchen, Chief Financial Officer; Debbie Jonscher, Deputy Chief Financial Officer; and Ashley Hand, Director of Strategic Communication.

MAYOR ALVEY said before I call the meeting to order, I want to announce that due to COVID-19, we have some staff attending in public, remotely via Zoom or by phone. All participants joining by phone should mute their phones when not speaking to avoid background noise. During the meeting, please make sure that you announce yourself by name and title every time you speak so the public that is observing knows who is speaking. This is critical given the number of remote participants in his current guidance from the Kansas Attorney General.

MAYOR ALVEY called the meeting to order.

MAYOR ALVEY said I would ask the Clerk to announce the meeting and call the roll.

ROLL CALL: Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Alvey.

NOTICE OF SPECIAL COMMISSION MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, July 15, 2021, at 5:00 p.m. in the fifth floor conference room of the Municipal Office Building regarding the Revenue Neutral Rate.

The public will be able to view the meeting in person in the lobby area of City Hall or virtually via a Zoom webinar.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Mayor Alvey said this evening our invocation is being given by Commissioner Harold Johnson of Faith Deliverance Church of God in Christ.

Mayor Alvey asked, are there any revisions to tonight's special meeting? **Brett Deichler, Interim Unified Government Clerk**, said, Mayor, there were no revisions.

Mayor Alvey said there is only one item on the Administrator's Agenda. We have a resolution to schedule a public hearing for September 7, 2021, regarding the governing body's intent to levy a property tax exceeding the revenue neutral rate. I'll ask County Administrator Bach to make some opening remarks and to introduce staff.

ADMINISTRATOR'S AGENDA

Item No. 1 – 21928...SCHEDULE PUBLIC HEARING: REVENUE NEUTRAL RATE

Synopsis: a resolution setting a public hearing date of September 7, 2021, regarding the governing body's intent to levy a property tax exceeding the revenue neutral rate, submitted by Misty Brown, Chief Counsel.

Doug Bach, County Administrator, said this is the item we talked to you about in more depth a couple of weeks ago. As we've gone through the last couple of weeks and conversed more with the League of Kansas Municipalities, the evolving and understanding of how this State legislation

works is that we also need to formally take action to just acknowledge the fact that it's our intent to collect more revenue than we did last year or at least give ourselves that option.

Last year, as you all know, was a low revenue year in 2020. This has nothing to do or does not change our mill rate at all. In fact, the published mill rate that's listed here is the identical mill rate. So, as you know, many times when we go through the budget process we will adopt a maximum mill rate that may be a little higher than our—or I will say we'll consider a mill rate that could be higher than our previous one just to give ourselves some room. This doesn't even do that. This holds us at the existing mill rate that we have today, but it just recognizes the fact that you're going to have a public hearing on it in September. You will discuss it. You can always lower down from that rate, but it also puts that notice out there that the amount or the value of the mill and the amount of money that can be collected will be more than what came in in 2020.

This sends it out as official notice that you're taking this action. We have to take adopted action so it goes to the Clerk so the Clerk can then follow through with publication requirements accordingly.

With that, I would recommend approval so we can move on through the budget process as set out by the State legislature.

Mayor Alvey said, so again, I want to be clear that—Misty, could you speak to this that when it says we have a resolution to schedule a public hearing regarding the governing body's intent to levy a property tax exceeding the revenue neutral rate. This is not a resolution that binds us to exceed, but this is the language we have to use in order to be able to do that. We could choose not to exceed the revenue neutral revenues, right?

Misty Brown, Chief Counsel, said that is correct. As Senate Bill 13 set out, if we wish to maintain that option to exceed the revenue neutral rate, we have to provide formal notice to the Clerk by today of this intent. So, this is the language that by statute recommended by the League of Municipalities. **Mayor Alvey** said, again, the language does not allow us to say the governing body's intent to consider to levy a property tax exceeding the revenue neutral rate. **Ms. Brown** said that's correct, Mayor.

Commissioner Bynum said I just have a question around a technicality. When we adopt our budget every year, we actually adopt a series of resolutions; the county mill levy, the Downtown SSMID, wastewater, solid waste, the library. Are any of those impacted or do they just ride along with this extension? **Mr. Bach** said they are impacted and Kathleen may want to speak to it in more detail. The two different mill rates that you're seeing, one is on the City, one on the County; they are in the resolution so the County one includes various ones that are part of that, all the different funds that are within that.

I don't know the answer on the SSMID piece. Kathleen, do you want to speak to that?

Kathleen VonAchen, Chief Financial Officer, said we actually did some research on those other districts such as the SSMID and the library district and they're actually not obligated to do the measures that are in Senate Bill 13. So, those two are not under those provisions. Maybe Misty can speak to that a little bit, but that's the ruling that they came up with. **Commissioner Bynum** said that makes my question be—we used to be on a deadline of sometime in August and so, are we still on that deadline for those items? **Ms. VonAchen** said, I think, Commissioner Bynum, that is a really excellent question. As we work through the new legislation we're learning bits and pieces as we go. At this point we're not 100% sure what the deadlines are for those two, so, you know, we're still finding out. I wish I could tell you different unless Misty can fill in. I think we all have come to the conclusion we're not real sure, we're researching it.

Mr. Bach said I will say we are operating that we're going to submit our whole budget to the State at the same time.

Commissioner Ramirez said in question—I have some confusion. Here at the top it says the neutral rate or the mill is 37 for the City and 37.8 for the County, but towards the bottom it says the proposed mill levy for KCK is 38 and proposed County mill levy for the County is 39. Why are those different? It shows that we're raising the mill levy and if we're raising it, are we required to so that we can realize the extra revenue or the new revenue coming in on top of the neutral rate? **Ms. VonAchen** said no. The revenue—in order to achieve the revenue neutral rate, what that means is that we would have to lower our mill rate to collect the same amount of revenue as we collected last year. So, basically, it negates any kind of growth in assessed value. The numbers

you're seeing—so, I don't have the documents (inaudible), but the numbers you're seeing are what the rates would be if we didn't exceed the revenue neutral rate.

What we're proposing, at the moment, is to maintain the mill rates as they currently are without any change. **Commissioner Ramirez** said okay, that makes sense. So, let's say, for some reason we decide to not exceed it, we would have to lower the mill levies to 37.1 and 37.8 to maintain the revenue from last year, correct? **Ms. VonAchen** said in order to maintain—to levy the same level of revenue as last year, yeah, without capturing the growth in the assessed value.

Commissioner Ramirez said I was a little confused by the two numbers, but thank you very much for that.

Commissioner Townsend said just so I'm clear, if we—or when we take action on this resolution, will we be bound to the rates already mentioned in the resolution? I think Commissioner Bynum, and I guess I most closely associate this with Commissioner Kane, because he usually brings the motion forward, that we can always lower the proposed rate at a different time. So, are we basically stuck with the rates that are currently in the resolution? **Ms. VonAchen** said no, you have the option to lower the rate from that level that's in the resolution. You can't increase it. **Commissioner Townsend** said and that's my question, by moving on this, will the benefit of this hearing be that we can consider a higher rate if we chose to, not that we would, but as we did in the past, we set it at a level that we can't exceed later, we can always lower.

Mayor Alvey said no. I think all this does is, Senate Bill 13 says that if we are going to see growth in our appraised value, which generates more revenues, they're saying if you're going to realize the gains of all your real estate development and everything, and you'll see additional revenues come in beyond what you got last year, then you have to hold a special hearing that talks about that. That you're going to bring in an additional million dollars this year and say that we're going to capture that one million dollars. If we wanted to change the mill levy rate, that's a separate hearing which is already scheduled. Am I correct about that? The actual mill levy hearing is a separate hearing. **Commissioner Townsend** said where we could set an upper most limit beyond.

Mr. Bach said you are setting your upper most limit tonight. You cannot exceed where this is. You can lower it. So, this is establishing the mill rate that we currently have on the books coming from the previous year. We will not go higher than that. **Commissioner Townsend** said

okay, thank you, that's what I wanted to—**Ms. VonAchen** said unless someone proposes an amendment to the resolution you're looking at right now, it's both, right?

Mr. Bach said you can do that—well, you can—what you set tonight is what it is. So what we have in the resolution, written out, is what the current mill rate is. If you want to provide flexibility to consider more through the budget process, you could set that at a higher number if you want to. **Ms. VonAchen** said but you have to do it now. **Mr. Bach** said you can always lower it back to this or lower it lower. **Commissioner Townsend** said right, but that action would have to be taken tonight? **Mr. Bach** said yes. **Commissioner Townsend** said that's what I wanted to clarify.

Commissioner Ramirez said on the budget calendar it says that August 26th is when we set the maximum mill levy, so is that being changed to tonight? **Mr. Bach** said yes. This is adjusting based on what we're learning and going through the changes in the State legislative stuff. This literally, it was working with the League last week, you know, that they put out this advisory to all of our jurisdictions that that's how they interpreted the law and I think it was as recent as today or yesterday, Misty, when we were talking with additional officials up there about whether the maximum mill rate, we didn't get clarification on that until, I think, yesterday. This action circumvents the maximum mill rate type action that's part of the normal budget process.

Commissioner Ramirez said it's frustrating, not on staff, not on staff, definitely not on staff at all. It's frustrating—the Mayor and I we had a conversation about this and how last year was really a sad and horrible year for local governments. You know, the State taking away local control, taking away how we do and control our own budget process and budget cycles and everything that we do. We're all grown-ups, we're all adults, we know how to do our jobs and so it's frustrating that the State is fast-forwarding our budget process and not giving us much leeway to do what we need to do for our community and so it's frustrating.

Mr. Bach said that's why in moving forward tonight, at least gives us the flexibility to look at capturing the same—under the same mill rate, the value that comes about from previous years, but it is frustrating to have that happen to us. I mean, they write legislation without really making all the rules clear. I mean the fact that all the agencies in Kansas, the League you're going through this and figuring it out right up to the last minute to advise us.

Ms. VonAchen said I wanted to add to that point actually. As I've told you before, we have these monthly or every two-month meetings with all of the other Finance Director's in the eastern part of Kansas—or northeastern Kansas, and not one of them reported that they're going to remain at the revenue neutral rate. They are all increasing them, so we're not the only city doing this.

Commissioner Kane said this isn't—tomorrow you're going to see the biggest unemployment change they've had in 20 years. What's happened is they finally went back and started reviewing the Senate bills, the House bills, what they really meant. The problem with that is they found out in short order, which puts us on a hot seat right now, so it's not just this thing that's happened with the Senate bill, it's unemployment and multiple other things that they got together and said, hey, I was going to name names, but I better not. Some of the fine individuals up there in Topeka said this was the intent and then they had to sit back down with the lawyers and say here's how it went and I know this for a fact because it's killing us. Staff didn't do anything wrong, nobody did anything wrong except maybe the people in Topeka that wrote it. That's a very polite way to say that.

Commissioner Bynum said, I'm sorry, I'm going to go over this one more time. The resolution in front of us is that number one, we're going to have a public hearing regarding our intention to exceed the revenue neutral rate, so we're setting that public hearing date. Number two, we are proposing a mill levy for the City of 38.47—a maximum mill levy. We're setting a maximum mill levy for the County of 39.327 and we're providing this resolution to our Clerk as notice. Those are the sort of four items that are contained within this resolution and did I hear us say that these two mill levies being proposed in this resolution as our maximum mill levies are slightly higher than last years' two City and County mill levy's or are they exactly the same? **Mr. Bach** said they are the same.

Commissioner Ramirez said piggy-back off of Commissioner Bynum's, so the maximum mill levy is the current mill levy. Is that what we're doing with that? **Mr. Bach** said if you adopt it as written, that would be correct. **Commissioner Ramirez** said I needed that clarification.

Commissioner Townsend said my question is, can staff refresh my recollection from last year as to what our maximum mill levy was because apparently we came down to this last year, if I'm correct, because if I'm understanding this, we have no wiggle room. This is the maximum mill levy rate. That's what we're establishing, which is the current, so we are locking that in tonight, so out of curiosity, could staff refresh my recollection as to what our maximum was last year before we solidified it at this current 38.1? **Mr. Bach** asked, Kathleen, do you have that in front of you? I think we adopted a maximum that was two mills over when we did the maximum mill rate last year. **Ms. VonAchen** said Debbie knows that.

Debbie Jonscher, Deputy Chief Financial Officer, said yes, we adopted it at a maximum—let's see, our maximum was 40.398 when we adopted—when we published last year for the 2021 budget. **Ms. VonAchen** said for the City. **Mr. Bach** asked, Debbie, would you say that again a little bit louder. You're hard to hear. **Ms. Jonscher** said we published the maximum mill levy two mills above the levy that was approved. **Mr. Bach** said for the City and for the County. **Ms. Jonscher** said for the City. I believe the County stayed the same. It was only the City that we increased. **Mr. Bach** said and that's just for the maximum mill rate, but we adopted—obviously, we adopted this rate. **Commissioner Townsend** said I just couldn't hear the first part of what that was. What was the number again? **Mr. Bach** said two mills over what is on the sheet of paper. **Ms. Jonscher** said the mill that we published for the City was 40.398.

Mayor Alvey asked, any more discussion? Alright, seeing none, I would entertain a motion.

Action: RESOLUTION NO. R-44-21, "A resolution setting a public hearing date of September 7, 2021, regarding the Governing Body's intent to levy a property tax exceeding the Revenue Neutral Rate." **Commissioner Walters made a motion, seconded by Commissioner Bynum, to adopt the resolution.** Roll call was taken and there were nine "Ayes," Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum.

**MAYOR ALVEY ADJOURNED
THE SPECIAL MEETING AT 5:25 p.m.**

Brett Deichler
Interim Unified Government Clerk

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July 15, 2021

STATE OF KANSAS)
WYANDOTTE COUNTY)) SS
CITY OF KANSAS CITY, KS)

SPECIAL SESSION, THURSDAY, JULY 29, 2021

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, July 29, 2021, with ten members present remotely or in-person. Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO presiding. Markley, Commissioner Sixth District; was absent. The following officials were also in attendance: Doug Bach, County Administrator; Alan Howze, Emerick Cross & Melissa Sieben, Assistant County Administrator's; Bridgette Cobbins, Interim Assistant County Administrator; Brett Deichler, Interim Unified Government Clerk; Misty Brown, Chief Counsel; Juliann VanLiew, Director of the Health Department; Dr. Allen Greiner, Local Health Officer; Dr. Erin Corriveau, Deputy Health Officer; Elizabeth Groenweghe, Chief Epidemiologist; and Ashley Hand, Director of Strategic Communication.

MAYOR ALVEY said before I call the meeting to order, I want to announce that due to COVID-19, we have individuals attending remotely as well as on-site. All participants joining by phone should mute their phones when not speaking to avoid background noise. During the meeting, please make sure that you announce yourself by name and title every time you speak so the public that is participating knows who is speaking. This is critical given the number of remote participants in his current guidance from the Kansas Attorney General.

MAYOR ALVEY called the meeting to order.

MAYOR ALVEY said I would ask the Clerk to announce the meeting and call the roll.

ROLL CALL: Townsend, McKiernan, Ramirez, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Alvey.

AMENDED NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held Thursday, July 29, 2021, at 6:00 p.m. in the fifth floor conference room for an update from the Health Department regarding COVID.

Due to COVID-19 the public will be able to observe or listen to the meeting live on YouTube or UGTV or through Zoom for the special meeting portion only.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Mayor Alvey said we have an update from our Health Department regarding the progress of COVID. I'll turn it over to Mr. Bach.

Doug Bach, County Administrator, said things have changed in the world of COVID the past couple weeks and leading up to this we're planning an update. As we come to this meeting we've seen more changes in the variant. I'm going to go ahead and turn this over to Juliann VanLiew in the Health Department and let her offer the presentation and our update as to where we are.

Juliann VanLiew, Director of the Health Department, said thank you for having us here this evening and for your continued support throughout this entire pandemic. I have with me this evening our Health Officer, Dr. Allen Greiner; our Deputy Health Officer, Dr. Erin Corriveau; and our Chief Epidemiologist, Elizabeth Groenweghe.

What We Will Cover Tonight

- 1.COVID-19 Situational Update**
- 2.Vaccinations**
- 3.Recommendations**

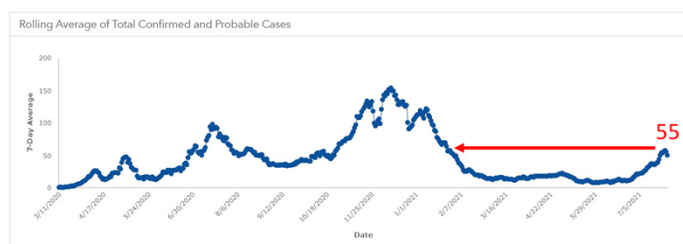


This evening we will be providing a COVID-19 Situational Update so everybody understands where we are today, speaking about our vaccination efforts and the progress that we've made, and providing some recommendations.



To lead us off with our Situational Update is our Deputy Health Officer, Dr. Erin Corriveau.

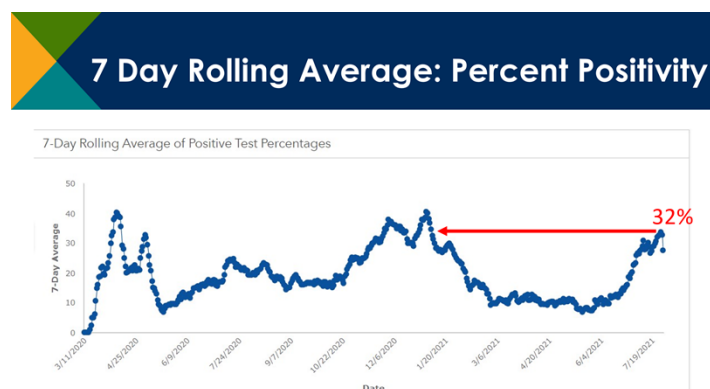
7 Day Rolling Average: COVID cases



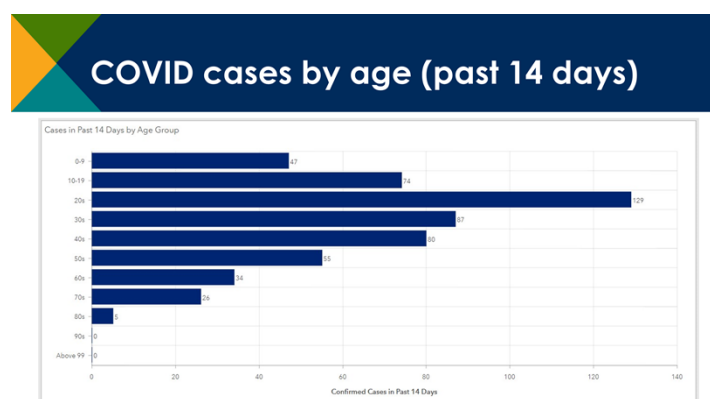
Dr. Erin Corriveau, Deputy Health Officer, said I just want to talk a little bit about what's going on in our community right now as it relates to the number of COVID cases and what we're seeing

July 29, 2021

in our percent positivity and such. So, unfortunately, regarding the number of cases that we're seeing on a day-to-day basis, we've popped back up again. We're back where we were back in January and so on average right now we're over 50 cases. We've been hovering between 50 and 60 for the last several days, so very concerning.



Regarding our percent positivity, now to remind everyone, that is of all the cases that we perform in Wyandotte County, what percentage of those tests that we do are positive. We're seeing a very high percent positivity, so up over 30% at this point. So, for the last several days we have been just above 30% or just under 30%, but again, quite alarming. You can see that we're back where we were again in sort of mid-January on that front as well.



Regarding the COVID cases by age, we're seeing a real change here in the last couple of weeks. You can see how young people are really getting the virus and, unfortunately, spreading the virus. We think that this pandemic is now really being driven by young people and we've seen that trend over time, folks are becoming younger and younger.

You can see there that folks in their 20's, my goodness, really high numbers of cases and in that 10-19 years old category as well and even younger. This is particularly concerning I think as we look towards a new school year and also concerning because many of these young people cannot get vaccinated. We don't have vaccines approved for them.

Delta Variant

- Delta is much more transmissible than prior types of COVID
- Cause of the surge seen in Southwest Missouri
- Vaccines still offer best protection against Delta
- Since July 1, 100% of sequenced specimens from Wyandotte are Delta
- Delta is causing significant community spread due to low vaccination rate



I want to talk a little bit about this Delta Variant. Clearly, this has been in the news a lot lately. We know that the Delta Variant first showed up in the United States just in March and now 83% of cases across the country are identified as the Delta Variant. In our region here in the Missouri, Kansas and Nebraska region, 96% of our cases are identified as Delta. In Wyandotte County, since July 1st, 100% of sequenced positive cases have been the Delta Variant, so it's really raging in our community. Unfortunately, this variant is far more transmissible than the other variants and then the wild type of the coronavirus that we initially saw and so we think that it is far more aggressive and that's why it's been able to move so quickly.

It's causing really a huge amount of community spread and, of course, we'll talk more about our vaccine rates in Wyandotte County, but we believe that it's really raging here because of our continued low vaccination rate.

Hospital Situation

- Hospital resources are becoming strained
- Vast majority of hospitalized cases are individuals NOT fully vaccinated
- Demographics of hospitalized patients are younger than in previous waves
- Breakthrough cases are often in individuals who are immunocompromised and/or advanced in age



I also want to give a quick update as to our hospital situation in and around the region. Unfortunately, our hospital resources are becoming strained. We have seen that since early June we've had a tripling in the numbers of patients in our hospitals within the region and that is certainly true within our Wyandotte County hospitals as well. Many of the people who are hospitalized and who, unfortunately, succumb to COVID have not been vaccinated. We still know that vaccine is the best protection against this new variant, against the Delta Variant.

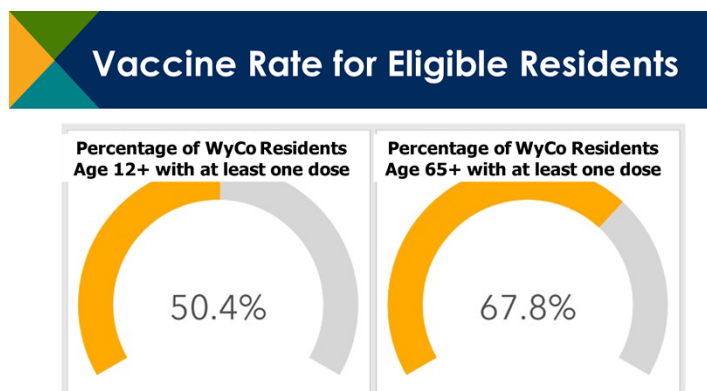
I have to say at KU Medical Center we're seeing more and more cases hospitalized. We have had approximately, in the last few days, 35 or so active cases of COVID and all around 60 or so cases hospitalized with those also who are recovering. Our ICU's are becoming full. I believe we've got approximately 16 people in the KU ICU at this point in time.

We are seeing some breakthrough cases and that is meaning cases of COVID in individuals who are fully vaccinated although it is extremely rare to see those people hospitalized. Our worry is that some of the people who have received the vaccine at this point are elderly or they have immune issues so that they can't make antibodies well despite receiving the vaccine and those people are at very high risk from this Delta Variant. We have, unfortunately, seen one death from an individual who was fully vaccinated and so that was an incredibly unfortunate case in our community, but I think it's an important lesson as well.

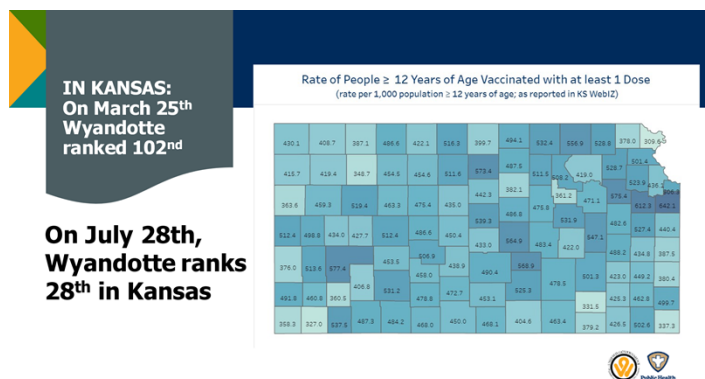
We do know that our CMO's are worried at this point in time. We've had many conversations with them over the past couple days and they're in support of any mitigation measures at this point in time that we could put forward that would put a stop to this very quickly. I do believe that they support masking at this point as well.



I'm going to turn it back to you, Juliann, and we'll go from there.



Ms. VanLiew said I'm going to provide a little update here on where we are in Wyandotte County on our vaccination efforts. A little bit of good news to lead us off here. Of those folks in our community who are eligible to receive the vaccine and, of course, those are individuals age 12 and older, we have reached the 50% threshold of those folks having at least one dose which is encouraging. Our older population which has steadily maintained kind of a stronger position than all of our other age demographics continues to improve as well. Our 65 and older population now having at least 67% of folks with at least one dose.



The other encouraging information is that we continue to improve in vaccines especially compared to other Kansas counties. Four months ago we were ranked 102nd in the state compared to all counties for our vaccination rates. As of yesterday, we ranked 28th and that really is a testament to the incredible work of your Health Department, a testament to the resources you provided us with, a testament to the ground game and the community engagement that we put in place. We're not where we want to be, but we continue to make improvements and that's because we continue to put forward a robust vaccination effort out of our Health Department and our many partners.

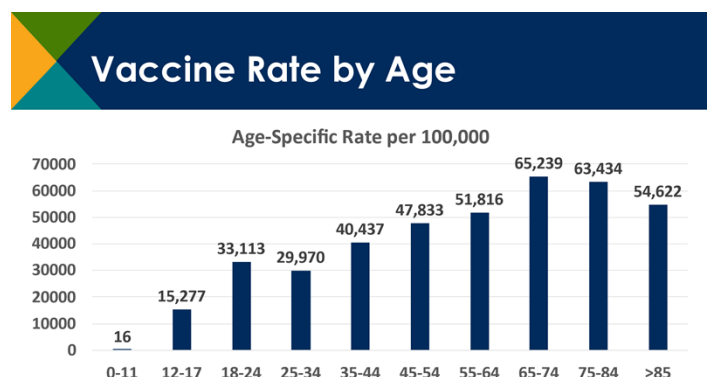
Vaccine Data Summary

- Majority of Wyandotte residents remain unvaccinated
- Our data includes residents vaccinated anywhere in the state of Kansas
 - It does not include data from those vaccinated out of state (including Missouri) or administered federally (i.e. VA)

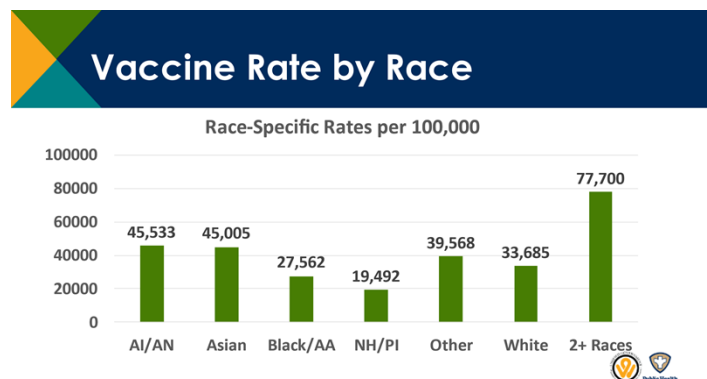
	Number	Percent
Wyandotte Residents with at least One Dose	67,716	40.9%
Wyandotte Residents with Completed Vaccine Series	58,098	35.1%

The less good news is that when you take into account our entire population, so age 0 to 100+, only 40% of our folks have at least one dose. So, this really calls back into question what Dr. Corriveau started speaking about, which is the fact that our 0 to 11-year old's cannot get vaccinated because they are not eligible. Of course, we are incredibly worried because they return to the classroom here in a few short weeks and without appropriate mitigation measures those schools are going to become hotbeds for infection.

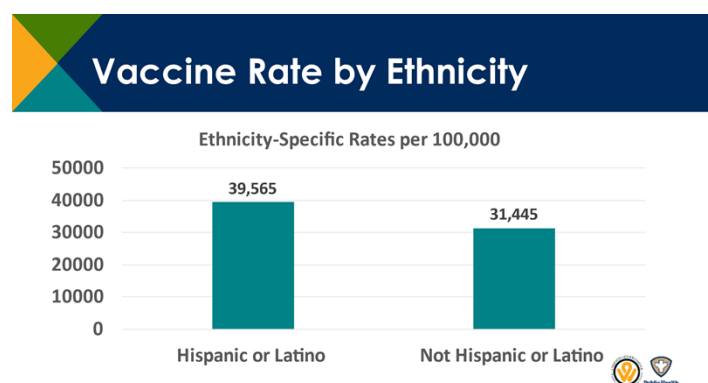
Just a reminder here as we look at this data, that this data here includes individuals who are vaccinated anywhere in the state of Kansas, but does not include individuals vaccinated in other states or administered federally like through the VA system.



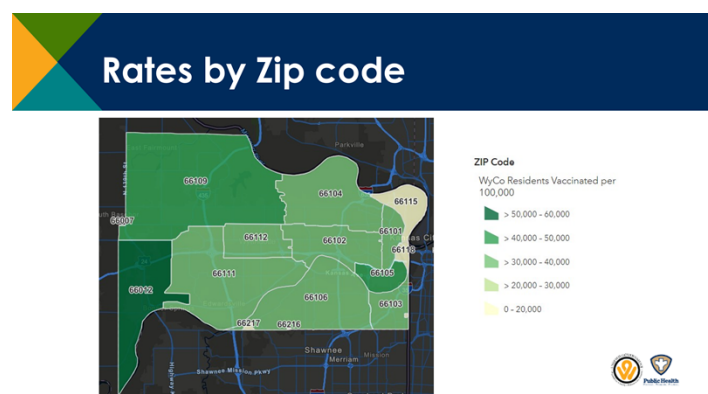
When we look at a breakdown for our vaccine rates by age, we see some real disparities here. As a reminder, in public health we use rates so that we can compare groups to one another. If we didn't use rates, we would look at these age groups and not be able to compare them because they all have a different number of population in Wyandotte County. There's not the same number of folks who are in—you know, the 18 to 24-year old age group as there are to the 55 to 64-year old age group, so we use rates so that we can see how we're doing across these different groups. Of course, this is the inverse to what you saw from Dr. Corriveau earlier. Our highest rates of cases which are among our youngest population is also the population where we have the lowest rates of vaccine and that makes sense because our less vaccinated populations are really contributing the most to that community spread.



When we look at our vaccine rates by race, we are continuing to make improvements, but we do lag behind for our Black and African-American population, our Native Hawaiian and Pacific Islander population. We're encouraged that those who identify with two or more races have high rates of vaccines as well as our Asian population, but we continue to need to especially engage our Black population to make sure that we are doing this vaccination work equitably and not adding to the disparities that already exist in our communities.



We also are very encouraged by our higher rates of Hispanic or Latinx vaccinations compared to our non-Hispanic population. Again, I think this is a testament to our partners, El Centro, JUNTOS, a number of Spanish Speaking churches who have really stepped up to the plate and worked with us. We are one of the only counties in the state of Kansas who have a higher rate of vaccine among our Latinx population than our non-Latinx population.



Lastly, on demographics here, you can see our vaccine rates by zip code. It has evened out a bit compared to where we were a few months ago, but we continue to see disparities here as well, of course. Our western zip codes are outpacing our other zip codes, some of them quite considerably.

This is why you see more of our resources dedicated to our 66101, 102, 103, 104, 106 zip codes, we really have a pretty strong ground game going in these zip codes because they are further behind and we need to, again, continue to mitigate the disparities.

Community Engagement

- Businesses, schools, homebound, congregate living, Long-term care, special events: 2,250 doses
- Faith, Science, & Wisdom–Ambassadors in the community
- Latino Community Vaccine Initiative launched this week with JUNTOS & El Centro
- Direct door-to-door outreach to neighborhoods for testing and vaccinations



Again, just a nod to the Health Department's community engagement effort. I won't spend a lot of time here, but we continue to vaccinate every single week on-site at businesses, on-site at schools, in people's homes, in congregate living facilities. We're very proud of the partnership we've put together with a number of churches in our Black and Spanish speaking communities which have really become ambassadors not with just their own congregation, but with the community at-large. We continue to launch new initiatives to engage parts of the population we haven't before and we continue our on the ground canvassing efforts so that we have people doing that face-to-face really important education.

How to Request a Mobile Vaccine

www.wycovaccines.org



MOBILE VACCINE REQUEST
(VACCINES THAT COME TO YOU)

For Homebound Persons & Groups | For Business & Organizations



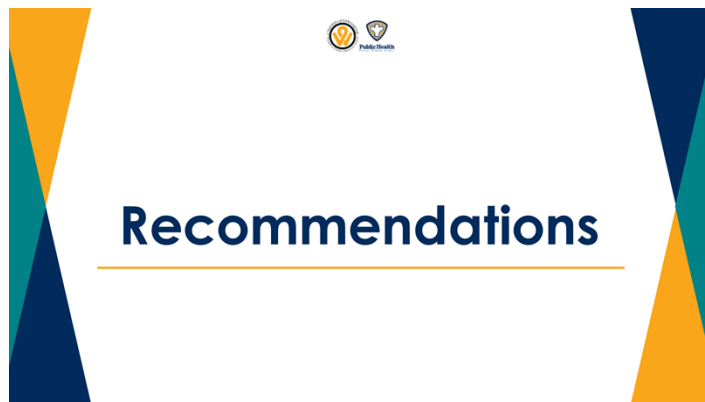
REQUEST A RIDE TO & FROM A VACCINE SITE

Group & Individual Transportation



Just as a reminder for the public, we are still here. We still want to come to your home, to your business, to your neighborhood groups to provide vaccines on-site. All of that is still available for free and really all you need to do is give us a call or fill out a form and we want to work with you.

July 29, 2021



The last part of our presentation tonight is around recommendations, but before I hand it off to our Health Officer Dr. Greiner, I'm going to send it over to Misty Brown, our Chief Legal Counsel, to remind us all where the statutory powers currently lie in regards to the ability to issue local health orders.

 A presentation slide titled "Power to issue local Health Orders" in white text on a dark blue background. The slide contains a bulleted list of powers:

- Senate Bill 40 signed into law by Governor Kelly on March 24, 2021
- Gave school boards jurisdiction over all actions and orders regarding the operation of schools during the Kansas State of Emergency.
- Requires the Board of Commissioners to approve a Local Health Order if the Local Health Officer determines it is necessary to issue an order which:
 - Mandated the wearing of face masks;
 - Limits the size of gatherings;
 - Curtails the operation of business;
 - Controls the movement of the population
 - Limits religious gatherings.
- Allows individuals the opportunity to challenge Local Health Orders in court

 A small logo is located at the bottom right of the slide.

Misty Brown, Chief Counsel, said this is a brief reminder of where we are statutorily. Back in March we had a discussion about Senate Bill 40 which was signed into law by the Governor and it made some changes in how we were doing things. Two of the big changes that we had is that school boards were given jurisdiction on their operations during the State of Emergency and further require the Board of Commissioners to approve a Local Health Order as the health order would mandate mask wearing, limit the size of gatherings, curtail business operations or control the population movement, and limit religious gatherings. In addition to this, it allows individuals the opportunity to challenge Local Health Orders in court.

I am sure everyone has seen in the paper there's been a lot of talk about how a Johnson County Judge has declared Senate Bill 40 to be unconstitutional and the Attorney General has

since repealed that ruling, so this matter is going to be in the court systems and we will see how it turns out.

Ms. VanLiew said we will go ahead and pass it to Dr. Allen Greiner, our Health Officer, for some recommendations for our community.

Recommendations for the public

- **Get vaccinated**

- Resume mitigation measures:
 - Mask wearing when outside of the home
 - Social distancing of 6 feet or more
 - Stay home when ill
 - Get tested if feeling symptomatic or 7-9 days from an exposure
 - Wash your hands



Dr. Allen Greiner, Local Health Officer, said we'll try to keep this pretty brief and just a few more slides here. I think as everyone knows our number one recommendation right now is get vaccinated. Juliann mentioned the ground game. That's been going on. I think many of you are aware that we really tried to move from most vaccination sites to getting out there where the community is and it is making a difference in terms of those state county rankings where we sit and we've got to keep moving because every percentage point we increase in vaccination really does make a difference. You can see that when you look at those different age categories. Where we get slightly higher numbers in those age categories of vaccinated folks, we are doing better on the cases right now.

Other mitigation measures, of course, we want to see people wearing masks. We've seen that works, we now have great evidence. Yes, we probably didn't emphasize that like we should at the beginning of the pandemic, but we know it works now. When you're outside the home, when you're around strangers, please mask. We need to social distance. We've talked about this 6 feet rule, we've made some slight changes on that for schools. As many of you are aware, our recommendations there are for 3 feet, but part of that's because we saw in school settings kids did a really great job last year wearing masks. It made a huge difference.

We were able to actually change the way we did quarantining in school settings, but 6 feet for those of us who aren't in school and aren't doing a good job minding our teachers all the

time. We've got to keep emphasizing keeping people home when they're sick. The slightest symptoms, even if you think it's just a flair of your allergies, we need people to stay at home, stay away from other people, go get tested if you have any symptoms that could be COVID, so scratchy throat, headache, fever, shortness of breath, even GI systems like diarrhea. Please keep that long list of 12, 13, 14 symptoms as something that you'll consider doing. We are seeing a huge uptick in testing and that's great. We think that's because people are very concerned about this uptick in cases, but too because we've gotten that message out. Then, other hygiene measures like washing hands, being careful around surfaces that you don't know if they're clean or not.

Recommendations for Schools

- Letter sent to school superintendents July 26 with recommendations for school year
 - Universal masking for K -12 students, teachers, staff
 - Physical distancing of at least 3 feet
 - Diagnostic and screening tests
 - Vaccination, when applicable
 - Contact tracing in combination with isolation and quarantine
- This aligns with guidance from CDC, Children's Mercy, and American Academy of Pediatrics



We've put out some recommendations for schools, we put out a press release. Just yesterday, Dr. Corriveau and our lead Epidemiologist Elizabeth Groenweghe had a great meeting with some of the superintendents of schools and school leaders earlier today. We are recommending universal masking for kids in K-12, for teachers and for staff. As I mentioned, we're recommending physical distancing of at least 3 feet. We really want them to work on diagnostic testing and screening testing. We had a representative from the Kansas Department of Health & Environment in the meeting today talking about their funding program where they provide lots and lots of money if school districts will take it up so that they can test kids that have any of these symptoms quickly. They can test teachers and they can do surveillance testing where they might do a larger group of students or others periodically. We want to work with them on vaccination and we've been doing it.

There was an amazing event at Harmon High School Tuesday night. Over 200 vaccinations administered there. Really super and there will be more. The school district has already reached out for another event and then we will be working with them on contact tracing.

We hope they are able to keep up with that. We've had trouble keeping up in recent weeks, but we brought on more people and we'll get back on top of it, but we'll work with the schools on that and we really want to encourage them to use those CDC guidelines on isolation and quarantine.

All this guidance for schools really comes from the CDC guidance as well as input from experts at Children's Mercy and the American Academy of Pediatrics.

Long Term Care Facility Requirements

- Federal regulations for long term care (i.e. nursing homes, assisted living facilities)
- Wyandotte is in a "red zone" for percent positivity → requires restrictions:
 - Test unvaccinated staff twice weekly
 - If less than 70% of residents are vaccinated, no indoor visits
 - 3 out 10 WyCo facilities
- 8 out of 10 facilities have less than 70% of staff vaccinated; the majority have less than 50% of staff vaccinated



So, what about long-term care facility requirements. We have seen a lot of uptick of vaccine there among residents, so that's good, but we're still worried about them. One of the reasons we're worried is our county is now a red zone. We've got the percent positivity that has gone way up, the number of daily cases on average has gone way up, and we've got to keep testing, especially keep testing staff. A lot of this comes down from the federal level and there are requirements that the feds, especially the center for Medicare and Medicaid Services, CMS requires in relation to their funding, they've got to test staff weekly and if less than 70% of residents are vaccinating, they can't do indoor visits. That's only 3 out of 10 in our county, so 7 out of 10 of our facilities in Wyandotte have got over 70% of the residents vaccinated which is great and so they will be able to have indoor visits, but they're going to have to do that staff testing.

The last bullet you see there, the reason why staff testing is so important, we're not doing as well as we should on vaccination among staff, 8 out of 10 of the facilities have less than 70% of their staff vaccinated and the majority have less than 50% of staff vaccinated. So, we've seen a lot of resistance in that group. It's a younger group. It's the same theme. We continue to see this issue where in younger and younger individuals for a variety of reasons, they're not getting vaccinated and we're trying to attack that in every way that we can.

Recommendation to Commission

- The UGPHD recommends that the Unified Government Board of Commissioners issues a health order requiring mask wearing:
 - Indoors in public spaces
 - For vaccinated and unvaccinated individuals
 - For a six-week time period
- This aligns with newest CDC guidance from July 27th that counties with substantial or high transmission require masks for vaccinated and unvaccinated people



What are our recommendations to the commissioners? From the Public Health Department, we're bringing these for two primary reasons, we're following science and we're trying to protect the vulnerable. That's what public health is about. We have a lot of vulnerable people in this county as all of you know.

We're recommending that a mask wearing mandate or ordinance, just like we've seen adopted in Kansas City, Missouri, be deployed for indoor public spaces for both vaccinated and unvaccinated individuals and for a six-week time period. As you are all aware, I'm sure the CDC came out with guidance for this as well for areas that have substantial high transmission which we have and for both vaccinated and unvaccinated individuals.



Thank you

That's really it. Again, I think we're willing to take questions and hear comments, but we think this needs to happen now. As you saw, the number of cases are going up really fast. It's going to keep going up if we don't do something before school starts and you look at how Delta has affected other countries, we are going to have the same problem we had last winter. I'll stop there and we'll be happy to take questions, hear comments and we've got Elizabeth as well.

July 29, 2021

Mayor Alvey said thank you. Commission, questions or comments.

Commissioner Johnson said thank you to our medical staff, Dr. Greiner, Dr. Corriveau and Juliann. Can you talk about, and maybe a little bit more specific, how we come about making the decision here locally. I know we have the recommendation from the CDC nationally that has come out. Can you kind of talk about the process as it relates to what you all—the dialogue that you all have with hospital staff and things of that nature that brings you to this conclusion and to this recommendation. Can you kind of give a little bit more specifics on that and particularly for our listening audience, which I know is very, very interested in this?

Dr. Greiner said I can jump in first and the others may have comments too. I think, Commissioner, it's primarily the rising case rate, so the average number of cases per day, as well as the percent positivity increase. If you look at those changes, the case rate is now about six times what it was at our low period in April. Then, if you look at hospital data, it's actually about the same. We have about six times the number of hospitalized patients right now as we had at that low point in April and it's a really fast rise. If you look at India and Britain where this Delta hit before us, they had the same fast rise and they went way higher than we are right now. So, those rates put us in a high transmission category for the CDC and the hospitals are concerned.

One of the Chief Medical Officers called me Tuesday night and had had a previous meeting with all the Chief Medical Officers from across the metro just to call and say we need help now. We see worse things coming, we're already turning away transfers from Southwestern Missouri where the hospitals are full and so we're reaching out to public health to see if you guys can get back on some of the things that you were doing last winter that we know made a difference, so that's where it's coming from, Commissioner. Other comments from our group?

Ms. VanLiew said I would just add in that the reason why we're going for mask mandates specifically is because we need something very urgently. If 20,000 people came to us to get vaccinated tomorrow, that would be marvelous and yet they wouldn't reach their full potential for their response to those vaccines for four weeks. That doesn't help the situation right now. What masks do is add this extra layer of protection immediately. If we started doing this tomorrow, it would drive down spread very quickly and so it can do that actually quicker than the vaccine and that's why the mitigation measure now is our call.

Ms. Groenweghe, Chief Epidemiologist, said I was just going to add, you know, Juliann talked about how this is an important measure to take now to drive down case numbers and it's important to take that action now because we're foreseeing 60 cases a day. So, within the next week if we're seeing 60 cases a day, we can expect in the next week to have 420 new cases. If, say 5% of those cases need hospitalization, that's an additional 20 hospitalizations in one week that's going to be put on our already strained hospital system and an additional six deaths unfortunately in one weeks period of time if we don't take action now to try curb to the spread as much as we can.

Commissioner Johnson said I know I have other hands behind me. I will make one comment and that is even with a—I think you all are recommending six weeks, if I'm not mistaken. Are you at all looking into the winter and do you all expect for us, regardless of what we're doing now, do you expect for us to have the same problems that we had last winter? Then, I'll yield the floor, Mayor.

Dr. Greiner said I think that's a great question, Commissioner, and we don't really know. Again, we do have the interesting data from India and Britain with the Delta Variant and their case loads went up sky high, almost 75-80% in Britain of what they had at their peak last winter and they are already on the way back down. Their vaccination situation is kind of similar to ours. It's likely this will go way up high and we will see a lot of bad things and then it will come back down before we get into any risk related to wintertime, but we've got to keep working on vaccine because, as Juliann said, the masking kind of helps us immediately, the vaccination helps us a month, six weeks, eight weeks out. If we can get that vaccination rate up by the time we get to cold weather and everybody comes indoors, that's really going to be key, but we don't know, there could be another variant on the horizon as well.

I think we do know that Delta is going to be a big challenge for the short period for all of us.

Commissioner Ramirez said as always, Juliann, Dr. Greiner, Dr. Corriveau, the Health Department, and all our frontline workers, these past 16 months you guys have been the true definition of public servants, so I thank you very much for all that you have done, you continue to do. You work under very, very stressful timelines and I thank you as always for everything that you do.

I do have one question and some comments to make. On the vaccine data summary, it says that the data is not included from out-of-state or federally administered. Why is that? **Ms. VanLiew** said we have worked our tail off, Commissioner, to try to get our hands on that data, specifically the Missouri data, which we know would be our highest out-of-state numbers. We have tried to work locally with Health Departments on that side. They're not able to give it to us directly. We have tried to work with their State Health Department, they're not able to get it cleaned up. We have pushed our State Health Department more times than I care to admit on this data and we're really just hitting dead ends everywhere. It is just, quite frankly, out of our hands. It's not accessible in our state database and we're not able to get anyone on the Missouri side to provide it to us.

Commissioner Ramirez said it's kind of discouraging that we can't—you know, our partner next door we're trying to work together and the state is not—I don't know if they're not willing or is it their system is not compatible with ours? Is that what you're essentially saying? **Ms. VanLiew** said this is the result of two decades of defunding public health. There is no appropriate technology infrastructure in the field of public health because we've been under resourced for decades and so our systems, quite frankly, weren't built for a pandemic.

Commissioner Ramirez said it's known that the last time we had this discussion, I was for maintaining the mandate and that's the same stance I take tonight. I'm going to speak open and frankly, last night I was at a small business social put on by the Rosedale Development Association and I made it a point to go around and talk to some of our local—my local small businessowners about this to get their perspective. All of them support it. One made a very good point and it stuck with me. I can't say what he said word for word, but in essence of what he said is, our inaction is hurting his business because the uncertainty of everything happening, he doesn't know if he is going to have to close or stay open. He can't get employees and that's why he supports the mask mandate because that gives him some certainty that we're all working together for a final end.

That point stuck with me because that's something I hadn't heard from a small businessowner was us not doing something, hurting them more than us doing something. Us closing down, yes, hurts small businesses but even the small thing of wearing a mask can help his business continue moving forward where in the future he doesn't have to worry about another shutdown.

We're at the point where I believe I and some other commissioners and the Health Department in the past, two months ago, said we would be at. We talked about—we didn't know what variants are going to show up, how effective, how transmittable those variants would be and now we are faced with one that is worse than the actual—the virus itself. It's a variant and now it's worse and I've heard and I've seen that's there's another one in Florida, a new one, and so this is going to be an ongoing thing.

So, I think, in my mind, we have two choices as a governing body. One is to do what's right and what's best for our community. I understand we're part of a metro and we're part of the CORE4, but let's not forget that when we started the CORE4, KCMO broke away because they wanted to do what's best for their city and I think that's what we need to do for Wyandotte and for KCK. We're elected to be in charge, not in charge, it's the wrong word, we're here to serve and protect this community, not Johnson County, not KCMO, not Jackson County; Wyandotte County and KCK.

The one choice I said was do what's right and let's reinstate the mandate for six weeks, a six week period. They're not giving an indefinite timeline, it's six weeks, so that we can get this under control or the other choice is we allow politics, the politicization of this topic to dictate our policy choices as a governing body. Politics affects everything in our life from our housing to the food we get to what grocery store comes into our neighborhood. When are we going to say, for me, enough is enough when allowing politics and the politicization of topics to rule what we do.

Let's get back to what we're meant to be here for and that's to create good public policy to bring our community, which was hit the hardest in this state, and we've seen through ARPA funding how many disparities we have in this county. This is only going to further that if we don't do what's right, so I ask this body that we really think about come winter, come spring, come summer of next year, what is Wyandotte going to look like if we don't take steps now.

Again, to end my statement, Juliann, Dr. Greiner, Dr. Corriveau, Health Department, the frontline workers, thank you for all you do. We can say it as many times as we want, but it needs to be heard. You have done everything based on the data, based on the science and left the politics out of it and so I thank you for that.

Commissioner Townsend said just a couple of questions. Dr. Greiner, you mentioned when you talked about the long-term care facility requirements that Wyandotte is in a red zone. Is that only

with relationship to our long-term care facilities, what gets us out of the red zone. Are you talking generally about all of Wyandotte County, not just people who are in the long-term care facilities as residents or workers? That's the first question. **Dr. Greiner** said yeah, so that criteria is actually set, I believe, by CMS, so the Center for Medicare and Medicaid Services, which primarily funds nursing home care, but it's based on similar things to where we were talking before about being a county that's designated as a high transmission rate by the CDC. It's similar things like the total daily rate of cases and the percent positivity of our total numbers of tests. So, that red zone is a CMS thing. It only applies to nursing homes and the policies in nursing homes, but it's based on data for the whole county that shows a high rate of infections and a high rate of percent positivity. **Commissioner Townsend** said okay, it's based on stats for the county. It doesn't necessarily mean that the nursing homes themselves are over the top. **Dr. Greiner** said correct.

Commissioner Townsend said with regard to the recommendation to the Commission, the recommendation basically has three prongs; indoor use of masks in public spaces for vaccinated and unvaccinated individuals and for a six-week period. Are these the same three prongs, or maybe counsel can tell us, whoever can tell me, are these the same three prongs used for the mandate that went into effect or will soon go into effect with Kansas City, Missouri? **Ms. VanLiew** said I can speak to that to the extent that I know. We believe it is going to be along those lines. We have requested to see the actual language and have not actually been able to review it ourselves yet. It is our understanding though that the intent on that side is that it is for vaccinated and unvaccinated and it is indoor and public spaces. I cannot speak to the length of their intent.

Commissioner Townsend said those are the questions that I have for right now. I do agree with Commissioner Ramirez that wearing masks is a less restrictive alternative than, heaven forbid, our businesses or any aspect of our population have to go into a lockdown situation again. So, I'll continue to consider this. I want to hear from constituents, but I too support it. Back in April, the continuation of the mask mandate we had then for another month or so, basically, because COVID has never gone anywhere. We've had high and low periods, but vaccination rates were still extremely low.

Commissioner Burroughs said if I may, just to ask a few questions to get some clarification. I believe it was stated about Judge Hauber's ruling on Senate Bill 40 and I'm just asking for some clarification. Did he not—he did not issue the stay. Is that correct? **Ms. Brown** said that's correct.

Commissioner Burroughs said so by not issuing the stay, the Senate Bill 40 is not in effect? **Ms. Brown** said I don't know that I would agree with that. I would say in Johnson County it is not in effect, but this is persuasive authority, but it's not necessarily binding throughout the state. There are some questions to it and if we get into further analysis, I would like to discuss that more offline to preserve our attorney/client privilege. **Commissioner Burroughs** said thank you for that. I think it's important that we know. If I may, we have incentivized populations in this community, we have made facilities available, we have continued to offer contact tracing and testing and we are still below, in the metropolitan area, below the vaccination rate that we were trying for.

So, I guess my question would be, is that we can mandate but if we're not going to enforce, then all we're doing is sending the message that you do not have to fall into compliance. If we're putting a mandate with no enforcement, it's nothing more than a strong suggestion. I mean that's just how I'm reading it.

The indoor public spaces that I would have a question on, is that government buildings or is that places such as Memorial Hall, churches, shopping centers? I'm just trying to get an understanding to what extent it means public places just for those that may be listening this evening.

Dr. Greiner said I don't know if counsel has any comments on that. I know that when this came up with our prior orders and things in the past, we compared it to what we do with tuberculosis cases, for example, at the Public Health Department we've had forever. We've had active tuberculosis cases that we follow and our nurses at the Health Department take care of and those people cannot go somewhere and not be on medication to be treated for their tuberculosis whether it's a church or a private business or whatever it is. If they're going to put other people at risk, we have the authority to get them on medication or to put them in the hospital and get them treated. It's the same thing here, from our understanding, again, counsel may have other thoughts on it, but as long as people are going to be around other people and not able to maintain six feet of social distancing, and we put various clauses in the prior orders and had exemptions when people can maintain six feet of social distance or in a business setting where people can be in an office—a private office, they don't need to wear masks. It's basically the idea that if you're going to be around other people in a space, you have to have a mask on.

Commissioner Burroughs said if I may, Dr. Greiner, and please this is no attack on and doesn't reflect on the information you've provided us. I have a tremendous amount of respect for

the work that you all committed to the public. My questions are just to clear up some of the questions that are being posed to individual commissioners and a community as a whole, so is a public place a small business? **Ms. Brown** said I would say yes, a public space would be a small business where the public had access to. **Commissioner Burroughs** said we will be mandating the wearing of a mask inside the small businesses in our community. **Ms. Brown** said if that is the order the Commission passed, yes.

Commissioner Burroughs said nowhere did I hear in the presentation there was a compliance piece to this and so that's my point. This, to me, is just nothing more than a strong recommendation because without compliance, that's exactly what we're doing, is making a strong recommendation and I'm not so sure that even with compliance, we would still get 100% compliance.

Dr. Greiner, I'm trying to help here, I'm just trying to send the message that if people don't want a mandatory mask mandate, then at least comply with a strongly suggested or recommended mask wearing so that we don't have to go into a complete lockdown and a mandatory mask with a compliance measure that could issue fines and/or jail time, whatever position we end up having to take to get the higher compliance level that we need for the vaccination rate. If we are incentivizing, even with dollars and gift cards, and we're still not getting compliance, I'm very concerned about the other rights of those that have taken the time to care about this community and wear their mask and get vaccinated and participate in the overall health of our community versus those that have chosen not to.

Ms. VanLiew said, if I may Commissioner, the Commission could determine that they wanted the Health Department to enforce this in partnership with the Police Department. That is an option that I would put out there. The second thing that I would say is that there are a lot of folks in this community who want to do the right thing and putting this mask mandate into place, a lot of them would do so. In fact, a third-party evaluator last year looked at our mask wearing uptake among our community at-large and found that we had higher uptake than the vast majority of communities in the country last summer. I just don't think we should dismiss that a lot of people will follow a mask order if we put it into place, of course, not everyone. We're not under that illusion, but just because we don't go out with police to every business and enforcement doesn't mean it's not going to be up taken by a lot of our community members.

Commissioner Kane said as always I bounce things off the people in the district, I've got a weird deal going now, 40% say no, 40% say yes, 20% say I don't care. I'm also disappointed and I know it's not the Health Department's fault, but I know somewhere between 150 and 200 people from my district went to Missouri to get shots, so those numbers are actually higher than what you're showing and that's not counting some of my family members that live out in Johnson County that went over there as well. This is a big deal and I called the state doctor and he said you guys and he has no control over it, so I think those numbers are a lot larger than what you're showing and you know that.

It would be better if you said highly recommended than saying that's it's being forced and I have a little bit of frustration here because I have two churches that I've already told staff that are willing to use their churches to get the shots. I've got one on standby. Two of them are in the urban core and they came to me and said would you do this. I contacted staff and staff hasn't got back with me. Is it because it's Commissioner Mike Kane? Here's the deal, I want to help the community, but staff has to say, okay Kane, where are they at, and I asked again today. Juliann, I've called you a couple times this week and it says you're out of office or wherever you're at, somebody should answer that phone and say, Kane, we're working on it.

I am not willing to completely shut things down and before we take a vote I want to know what Johnson County is doing, what Leavenworth County is doing, because I don't want to be in the same boat that we were in the last time where people had to leave Wyandotte County to get something. I want an answer in the next couple of days about whose going to contact these churches, where they're going to go, when they're going to do it, because if you've got two churches for sure and another one that wants to do it, you will get a large group. Don't just focus on one, let's move it around so the community doesn't have that much trouble getting to the shots.

Ms. VanLiew said thank you, Commissioner, and my sincerest apologies if there are partners out there who have not heard from us. We're really trying to funnel everyone through the same process, so there's a form online to fill out to signal your intent and our team tries to return a phone call within two business days. If there were surveys that were completed by partners that were missed by staff, I will absolutely address that as soon as I'm back in the office, so I will make sure to connect with you next week. It is not our intent to leave you or your district behind, believe me, we want to partner with anyone who is willing, so my apologies if there has been an oversight on our end.

July 29, 2021

Commissioner Kane said neither one of these churches are in my district. They just reached out to me to get help. **Ms. VanLiew** said I don't care where they are. We'll come wherever, but it really does bother me if there's been a call that we haven't responded to. I take that very seriously, please know, so I will make sure that we do so.

Regarding Leavenworth and Johnson County, I can't speak to Leavenworth. I don't believe there's anything in the works. I did speak to the Director of the Johnson County Health Department this morning and they had a Commission meeting this morning where this topic was floated kind of just very briefly or not in-depth, I should say, but they did commit to holding a Commission meeting to address this specific topic of potential mask wearing. I believe it's on an upcoming agenda for them but there's nothing that's happening imminently in Johnson County this week.

Commissioner Philbrook said as I understand it, basically, we're just asking everybody to put a mask back on. We're not going down into the extreme requirements that we had the last time. We're just saying, please everybody just put a mask on when you're around other people and that's basically what it comes down to. Do I understand that right? **Dr. Corriveau** said correct. **Commissioner Philbrook** said that's just it, just put a mask on. If you're out in the public, just put a mask on, that's all we're asking. I don't think that's too hard to do, even I can do that, and so I would ask for that. I would ask that we respect other people's lives and please just put a mask on, that's all and if you can get a shot, please do get a shot to help protect a lot of other folks and that's my stand on that.

Commissioner Ramirez said I will just be very, very brief. I don't see where the difference between the order that we're trying to pass now and the order we passed last year minus all of the other restrictions that we have put into the first order that we made. I think Commissioner Philbrook put it perfectly. We're not shutting anything down, we're not restricting how many people you can have in your business, we're not restricting the hours of your business, we just ask that you put a mask on. I don't see how that is—it's even better than the last order that we gave honestly. All we're asking is just a mask and so, again, I ask that we, as a Commission, think about the two choices. One, do what's right for the best—what's right for our community or two, follow the politics of the issue.

Mayor Alvey asked, any further comments or questions from the Commission.

Commissioner Townsend said just so I'm clear, we're talking about a requirement, is that correct, Health Department? **Ms. VanLiew** said our recommendation is that the Commission adopts a mask mandate, so yes, it would be a requirement, correct. **Commissioner Townsend** said what I would like to see while we contemplate this, to refresh my recollection, what enforcement mechanisms were in place the last time there was a mandate because Commissioner Burroughs does raise a good point. You know if you're mandating something, there should be some follow-up, not that we're trying to be heavy-handed, but certainly to impress upon the seriousness of this if it were to go forward. So, I would like to have my recollection refreshed as to what we did the last time in terms of enforcement assistance.

Ms. VanLiew said we do have statutory authority to penalize people with fines for not complying with the health order. We would follow the Commission's directive as to whether or not we would want to do that. The last time around, last winter for example, we never imposed a fine on anyone, but we did have COVID inspectors that we sent to hundreds of businesses and community places and they had a 95% rate in terms of when they returned a second time, the order was complied with. So, really we just did a tremendous amount of education when we received complaints on businesses or other locations. We sent out educated staff, we provided them, if they needed it, with masks, with materials, etc. and we got really positive feedback and good compliance from those businesses.

The enforcement mechanism is there if we wanted to use it, but in my perspective at least, the education and working with community partners is infinitely more effective.

Commissioner Burroughs said, Juliann, I just had a constituent text me to see what we've done in addressing our homeless population and wanted to know if our pets can transmit the COVID virus. **Ms. VanLiew** said when you say in regards to our homeless population in terms of working with them to mitigate the spread of COVID? **Commissioner Burroughs** said yes. The vaccinations are available to our homelessness. Have we gone into the homeless community and houseless community to ensure that they have had an opportunity to receive the vaccine? **Ms. VanLiew** said yes. We've worked with a number of agencies that serve that population. We've been out to provide vaccines on-site with our mobile unit, I believe, three times in three different

locations and then we return for second doses. So, we have made a good faith effort. There's always the opportunity for repeating some of those efforts. We've also worked closely with Care Beyond the Boulevard that routinely provides care to the homeless to make sure that they're doing the education, offering testing, those sort of things, so absolutely. The homeless population also has the ability to take advantage of our isolation and quarantine hotel program if they have an exposure or have tested positive to make sure that we don't have outbreaks among that population. There's a number of measures in place to serve that population.

I'm going to throw the pet question to Dr. Greiner or Dr. Corriveau. **Dr. Greiner** said Dr. Corriveau is probably the expert on this. I do know that there has been some studies looking at pets and that virus has been isolated on them, but I don't know of any documented cases where pets have actually transmitted to you humans. I think the risk, if it's even there, is extremely low.

Dr. Corriveau said I agree. I think that Dr. Greiner threw it to me because I have a dog. There have been cases, I believe, of fomites on fur of animals, but that does not mean that that has been transmitted to humans and so I think that is a very, very low risk and we're not seeing cases of that.

Commissioner Bynum said I have a quick question about the legality portion. When we speak about Senate Bill 40 and the authority that it has given to school boards, Boards of Education, what about the Community College, Donnelly College, the higher learning institutions, what's their authority in determining their own policies? **Ms. VanLiew** said I would have to refresh on that, but my understanding was that they would be also governing their own selves in the portion of higher learning. I will refresh on it and get back to you.

Mayor Alvey said this has been for information and discussion, no action taken at this meeting. Thank you for your time and your concern. We're going to continue to study this.

MAYOR ALVEY ADJOURNED
THE MEETING AT 6:58 p.m.

Brett A. Deichler
Unified Government Clerk

dt

July 29, 2021



Unified Government Clerk's Office

Brett A. Deichler, PMP | CPM
Interim Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Brett Deichler
Interim UG Clerk

Date: August 12, 2021

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

mbb

Attachment

Weekly Business Material for August 12, 2021

1. BOARD OF PUBLIC UTILITIES' REPORTS:

2021 Second Quarter Unaudited Financial Statement for the period ending June 30, 2021.

Action: Received and filed.

2. COMMUNICATIONS:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

<u>Warrant #</u>	<u>Reissue?</u>	<u>Date Issued</u>	<u>AMOUNT</u>	<u>FUND / ACD</u>	<u>Vendor Name/Number</u>	<u>Reason for void (dropdown)</u>
893288	No	7/30/2021	\$25.00	110 1300015291	Clerk of the Dist Court (Wy) #35012	Other (Explain)
			\$130.00	241 13260225390	Clerk of the Dist Court (Wy) #35012	Wrong vendor
891897	Yes	7/2/2021	\$13,607.24	791 98150015571	712 State Ave #T1206	Wrong mailing address
891998	Yes	7/2/2021	\$5,526.10	791 98150015571	KCI Soccer Club, LLC # T0900	Wrong mailing address
886925	Yes	2/19/2021	\$5,526.10	791 98150015571	KCI Soccer Club, LLC # T0900	Wrong mailing address
888791	Yes	4/9/2021	\$90.33	110 65100035599	Banks, Lee G #C1751	Stale dated

Action: Received and filed.

3. PERSONNEL ACTION COMMUNICATION, DATED AUGUST 10, 2021:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
John B Boling	Health	8/5/21	Program Coordinator
Jasli A Bonilla-Segovia	DA's Office	8/5/21	Admin Supt Specialist
Patrick H Doyle	Urban Planning	8/5/21	Lead Eng/Project Mgr
Eduardo Godoy-Castro	PW/WPC	8/5/21	General Maint Worker
Hector A Hernandez	Appraiser	8/5/21	Appraiser
Elizabeth I Kneuper	Fire/Comm	8/5/21	Fire Comm Dispatcher
Kalla D McLaughlin	Urban Planning	8/5/21	Planner

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Micah J Berry	Police	7/29/21	Sr Patrolman	Detective
Jonathan J Cortes	Sheriff	7/22/21	Deputy	Deputy
Nathan R Gumpert	Police	7/29/21	Sr Patrolman	Detective
Natasha J Jamison	PW/Street	7/1/21	Dispatcher II	Flare Tech II
Z'lonatae L Womack	Police	7/29/21	Master Patrolman I	Detective

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Jalen E Fisher	Parks/Rec	7/23/21	Summer Laborer

Antuan D Jones Jr	Parks/Rec	7/23/21	Summer Laborer
Chad L Smith	Police	8/13/21	Info Sys Coordinator
James L Taylor	Parks/Rec	7/30/21	Summer Laborer

Section VII - Reclassification

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Vacant	PW/Street	7/1/21	Flare Tech I	Flare Tech II

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Robert A Carl	Police	Out of grade pay from oc code 5111 to 5016 effective 6/28/21
Aaron Z Gage	Sheriff	Amend PAC 8/5/21 to reflect change in vacation effective 7/27/21

Action: Received and filed. Copy previously forwarded to Payroll.

4. PERSONNEL ACTION COMMUNICATION, DATED AUGUST 12, 2021:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Tremont M Dodds	Fire	8/5/21	Fire Trainee
James W Littlefield	Fire	8/5/21	Fire Trainee
Jack T Robinson	Fire	8/5/21	Fire Trainee
Abdullah A Saleem	Fire	8/5/21	Fire Trainee

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Naomi N Cortes	Sheriff/Admin	8/5/21	Deputy	Court Security Officer
Monica Macias-Leyva	NRC	8/5/21	Court Clerk I	Permit Technician
Matthew J Willard	Appraiser	7/30/21	Manager	Director

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Lisa M Ballou	Police/Comm	8/1/21	Public Safety Dispatcher
LaTonya Carrington-Unseld	Transit	8/3/21	Transit Operator
Bianca R Finney	DA's Office	8/18/21	ADA I
William L Nagle	NRC	8/4/21	Building Inspector I
Shelia J Smith	DA's Office	7/30/21	Admin Supt Specialist

Section IV - Leave of Absence

Name	Department/Division	Leave/Pay
Brandi D Wallace	Finance/Treasury	unpaid

Section VII - Reclassifications

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
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Sierra L Miscec-Hays	NRC	6/24/21	Enforcement Specialist	Sr Property Maint Inspector
Matthew L Smith	NRC	6/24/21	Enforcement Specialist	Sr Property Maint Inspector
Sarah D White	PW/Engineering	3/18/21	Eng/Project Mgr II	Eng/Project Mgr II

Action: Received and filed. Copy previously forwarded to Payroll.

5. CLAIMS FOR DAMAGES:

Lisa Cameron, 913 N. 72nd St., Apt. B, through attorney Gage K. Fletcher, 751 E. 63rd St. Ste. 430, KCMO, alleging bodily injuries during an automobile accident while under the care of employees of the City of Kansas City.

Brenda Dodd through attorney Drew M. Ward, 4050 Pennsylvania Ave., Ste. 121, KCMO, alleging bodily injuries and damages to car after being hit by a fire truck near 7th and State Ave. on 6/30/21.

Action: Received and filed. Copies previously forwarded to Legal.

6. MOTIONS TO SET ASIDE:

Unified Government Wyandotte County vs Iglesia Jesucristo Tocando Norciones, Case No. 2021-CV-000393.

Unified Government Wyandotte County vs Lisa Sutherland, Case No. 2021-CV-000026, COA #471, Sale 348.

Action: Received and filed. Copies previously forwarded to Legal.

7. SUMMONSES:

Marlon Kerr vs Unified Government of Wyandotte County, Kansas City, KS and Kansas City Board of Public Utilities, Case No. 2:21-CV-02335. (2)

Richa L. Jackson vs Unified Government of Wyandotte County, Case No. 2021-CV-000388.

Soccer Nation, LLC, Jakobe Furniture, LLC and Jakobe Property Management, LLC vs Unified Government of Wyandotte County and Kansas City.

Action: Received and filed. Copies previously forwarded to Legal.

8. TRAVEL REQUESTS:

Robert Carl, Police Department, travel to Virginia Beach, VA, September 7 – September 10, 2021, to attend Fair & Impartial Policing Training of Trainers, SLETF.

P.J. Locke, COPPS (P.A.L), travel to New Orleans, LA, August 17 – 21, 2021, to attend the National PAL Conference, no costs.

Dylan C. Passinese and Andy Seal, KCKPD/Narcotics, travel to Valencia, CA, September 19 – 24, 2021, to attend the DEA Clandestine Laboratory High Hazard Level A Certification Course (SLA 34), no costs.

George Sims, Police Department/Community Support Division, travel to Las Vegas, NV, August 29 – September 2, 2020, to attend the National Home Security Conference, no costs.

Daniel Soptic, Sheriff's/Jail Administration, travel to Osage Beach, MO, September 7 – 10, 2021, to attend the FBI 2021 Fall Retrainer, Employee Training & Travel.

Action: Approved by County Administrator's Office and received and filed.

9. BUSINESS BONDS:

Plumber's Bond

Aundre Hobbs d/b/a – Sewer Surgeon, LLC
Kris Tressin KMZC Plumbing, Inc.

Mechanical/HVAC Contractor's Bond

Steve Widhalm

Action: Referred to License.

10. CONTINUATION CERTIFICATES:

Electrical Contractor's Bond

Citywide Electric, Inc.

Mechanical Contractor's Bond

Lippert Mechanical Service Corp.

Plumber's Bonds

Allen's Mechanical, LLC
Blue River Plumbing, Inc.
Farr Mechanical, LLC

Sign Installation & Service Contractor's Bond

Roderick Advertising Co.

Action: Referred to License.

11. CANCELLATION NOTICES:

Electrical Contractor's Bond

Rohan R. Kerr DBA Kingston Electric

HVAC Contractor's Bond

1441 Heating and Cooling, LLC

Miscellaneous Bonds

ICT Electric Corp

Kansas City Tent & Awning Company

Plumber's Bond

Rescue 1 Plumbing, LLC

Action: Referred to License.

12. REINSTATEMENT NOTICES:

Electrical Contactor's Bond

Steven Calliham

Mechanical Contractor's Bond

Jesus Castaneda

Action: Referred to License.

13. APPLICATION FOR CMB LICENSE (OP):

Khan Food and Petroleum/Zahid Mahmood Goraya dba Quick Shop #2, 2425 Metropolitan Ave.

Action: Referred to License.

14. APPLICATION FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

Chipolte Mexican Grill of Kansas, LLC/Rick Rehorn dba Chipolte Mexican Grill, 1813 Village West Pkwy, Suite 101

Action: Referred to License.

15. APPLICATIONS FOR CATERER/DRINKING ESTABLISHMENT/HOTEL:

HOA Kansas Restaurant holder, LLC/Bridget Holton-Deere dba Hooters, 1712 Village West Parkway

Taco Vida, LLC (Whitney VinZant – Owner)/Richard E. Ripper dba Taco Republic, 500 County Line Rd.

Action: Referred to License.

16. APPLICATION FOR PRIVATE CLUB CLASS B:

Dartea, LLC/Michelle Conn dba Bill's 32 West, 6500 Kaw Drive

Action: Referred to License.



Unified Government Clerk's Office

Brett A. Deichler, PMP | CPM
Interim Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Brett Deichler
Interim UG Clerk

Date: August 19, 2021

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

cg

Attachment

Weekly Business Material for August 19, 2021

1. PROTEST PETITION:

Against Change of Zone Application COZ2021-023, 8919 Leavenworth Road, submitted by Bethany Vogel, 8951 Leavenworth Road.

Action: Original forwarded to Planning and Urban Design and a copy was received and filed.

2. PERSONNEL ACTION COMMUNICATION, DATED AUGUST 17, 2021:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Angela A Gutierrez-Suares	Police/Animal	8/19/21	Office Assistant III
Jose M Hernandez Gutierrez	Sheriff	8/19/21	Correctional Specialist
Brooke D Martin	Police/Comm	8/19/21	Public Safety Dispatcher
Levi N Sperry	Police/Animal	8/19/21	Animal Services Officer

Section II-Transfer

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Austin M Head	Finance/Treasury	8/3/21	Fiscal Support Assistant	Fiscal Support Assistant

Section III - Separation

Name	Department/Division	Eff. Date	Job Title
Jonathan N Hainje	Sheriff/Admin	7/23/21	Deputy

Section IV - Leave of Absence

Name	Department/Division	Leave/Pay
Steven A McIntosh	PW/Street	unpaid

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Vanessa Angel	Police	9/26/21	Office Asst III
Andrew J Collins	Sheriff	8/16/21	Deputy
Lucas W Graves	Police	9/1/21	Sergeant

Heather M Kelley	Sheriff/Juv	8/8/21 8/22/2	Juv Care Worker I
Henry A Pecina	sheriff	1	Deputy
Karen K Southwick	Sheriff	8/18/2 1	Clerk
Max A Sybrant II	Sheriff	9/14/2 1	Deputy
Carl L Webb	Police	9/1/21 8/10/2	Sergeant
Ku Xiong	Sheriff	1	Deputy

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Lisa M Ballou	Police/Comm	Amend PAC 8/12/21 to reflect change in separation date to 7/31/21
Chad L Smith	Police/Comm	Amend PAC 8/10/21 to reflect change in comp time eff 8/13/21

Action: Received and filed. Copy previously forwarded to Payroll.

3. PERSONNEL ACTION COMMUNICATION, DATED AUGUST 19, 2021:

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Damon M Cole	Sheriff/Admin	8/15/21	Court Security Officer
Ryan P McNellis	District Court	8/9/21	Law Clerk
Joseph L McSorley	Comm Corr	8/17/21 1	ISO

Section V - Increase per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Brenda S Huey	Sheriff/Admin	8/18/21 1	Prof Assistant

Action: Received and filed. Copy previously forwarded to Payroll.

4. CLAIMS FOR DAMAGES:

Jeffrey L. Brownlee, 2317 N. 72nd Pl., alleging fence damage incurred Aug. 11, 2021, due to a tree limb falling on it from 1715 New Jersey Avenue, which is owned by the Wyandotte County Land Bank.

Lacy Rueff, 2820 N. 42nd St, alleging automobile damage incurred Aug. 5, 2021, due to city subcontractors cleaning weeds and mowing a vacant lot next door at 2828 N. 42nd St.

Action: Received and filed. Copies previously forwarded to Legal.

5. TRAVEL REQUESTS:

Erin Riley and Dave Wimberly, Human Resources, travel to Kansas City, MO, Sept. 20 – 21, 2021, to attend IA/NE/SD & KS Conference, Employee Training & Travel.

Action: Approved by County Administrator's Office and received and filed.

6. CERTIFICATE OF INSURANCE:

Western States Fire Protection Company DBA National Fire Suppression

Action: Referred to License.

7. BUSINESS BONDS:

Electrical Contractor's Bonds

Alan Allio DBA AA Electrical
Bower Construction, LLC
JCK Electric LLC

Mechanical Contractor's Bonds:

Malik Heating and Cooling Inc DBA Malik Heating/Cooling
Metro Air Conditioning Co.
Top Notch, Inc.

Plumber's Bonds:

Mac-Wilson, LLC
Metro Mechanical Services, Inc.
Morgan Miller Services, Inc.

Action: Referred to License.

8. CONTINUATION CERTIFICATES:

Electrical Contractor's Bonds

A&A Electrical Inc.
M&M Service Inc.
D.L. Smith Electrical Construction, Inc. (2)

Action: Referred to License.

9. CANCELLATION NOTICES:

Electrical Contractor's Bonds

Steven Calliham
Creative Associates, Inc.

HVAC Bond

Mokan Mechanical LLC

Miscellaneous Bond

M&M Service Inc.
Platinum Plumbing LLC

Action: Referred to License.

10. REINSTATEMENT NOTICE:

Miscellaneous Bond
M&M Service, Inc.

Action: Referred to License.



Staff Request for Commission Action

Tracking No. 211010

Full Commission Meeting Date: 8/26/21

Committee: Full Commission

Date of Standing Committee Action: 5/3/21

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
8/23/2021	Gunnar Hand	5751	ghand@wycokck.org	Planning and Urban Design

Item Description:

A resolution approving the following two project agreements with the Kansas Historical Society, State Preservation Office, relating to Historic Preservation Fund Grants.

- Downtown KCK Historic Commercial District in the amount of \$21,000, \$12,500 of which will be paid by the State with federal grant funds and the local match coming from both the Planning and Urban Design long-range planning budget in combination with in-kind contributions.
- Downtown KCK Historic Churches Multiple Listings Designation in the amount of \$30,000, \$18,000 of which will be paid by the State with federal grant funds and the local match coming from both the Planning and Urban Design long-range planning budget in combination with in-kind contributions.

Action Requested:

Adopt resolution

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

2021.06.26 BOC_Resolution Approving Two Project Agreements with SHPO - final, 2021 HPF Agreement_KCK_downtown_pa_2021-10033_UG UNSIGNED, 2021 HPF Agreement_KCK_churches_pa_2021-10036_UG UNSIGNED

RESOLUTION NO. R-____-21

**A RESOLUTION APPROVING TWO PROJECT AGREEMENTS WITH
THE KANSAS HISTORICAL SOCIETY, STATE PRESERVATION
OFFICE, RELATING TO HISTORIC PRESERVATION FUND GRANTS.**

WHEREAS, the Unified Government applied for, and was awarded, a grant from the Kansas Historical Society, State preservation Office (“SHPO”) relating to the award of Historic Preservation Grants appropriated by Congress to carry out the purpose of the National Historic Preservation Act, in order to update the existing survey of downtown Kansas City, Kansas to determine eligibility of the district for the National Register of Historic Places; and

WHEREAS, the Unified Government applied for, and was awarded, a grant from SHPO relating to the award of Historic Preservation Grants appropriated by Congress to carry out the purpose of the National Historic Preservation Act by undertaking a survey of religion-related properties in downtown Kansas City, Kansas and producing a multiple property form providing context for such properties to the National Register of Historic Places; and

WHEREAS, the Governing Body has determined that it is advisable to enter into Project Agreement HPF 2021-10033, attached hereto as **Exhibit A** (“Project Agreement 1”), along with the Project Agreement; and

WHEREAS, the Governing Body has determined that it is advisable to enter into Project Agreement HPF 2021-10036, attached hereto as **Exhibit B** (“Project Agreement 2”), along with the Project Agreement.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

Section 1. The Governing Body hereby approves Project Agreement 1 and Project Agreement 2 in substantially the forms attached hereto.

Section 2. The Mayor, County Administrator and other officials and representatives of the UG, are hereby further authorized and directed to take such actions and to execute any other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 3. This Resolution shall be effective upon adoption by the Governing Body.

**ADOPTED BY THE UNIFIED GOVERNMENT BOARD OF COMMISSIONERS
THIS 26TH DAY OF august, 2021.**

ATTEST:

Unified Government Clerk

(Seal)

PROJECT AGREEMENT

THIS AGREEMENT is hereby entered into this _____ day of _____, 2021 by and between the **Unified Government of Wyandotte County / Kansas City, Kansas**, (hereinafter Subgrantee”), and the State of Kansas, Kansas Historical Society, State Historic Preservation Office, (hereinafter “SHPO”).

WHEREAS, the Subgrantee has applied for and been awarded a **\$12,500** Historic Preservation Fund grant from SHPO to undertake a project to **update the existing survey of downtown Kansas City, KS to determine eligibility of the district for the National Register of Historic Places and produce a National Register nomination if the district is found to be eligible; and,**

WHEREAS, the Historic Preservation Fund grant is funded by federal historic preservation funds appropriated by Congress to carrying out its National Historic Preservation Act, as amended; and,

WHEREAS, in order to receive the grant funds, the Subgrantee must carry out its project activities in accordance with the Secretary of the Interior’s *Standards and Guidelines for Archeology and Historic Preservation*; and,

WHEREAS, the Subgrantee shall follow all requirements in the “Historic Preservation Grants Manual” prepared by the National Park Service, and the “Historic Preservation Fund (HPF) Grant Guide” prepared by SHPO; and

WHEREAS, the Subgrantee shall follow the conditions and requirements governing National Park Service grants as outlined herein; and,

WHEREAS, the parties desire to enter an Agreement setting forth these and other requirements relating to the grant.

NOW THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

I. WORK TO BE PERFORMED

a. Schedule

Subgrantee shall not begin work under the terms of this Agreement prior to **June 9, 2021**, and Subgrantee shall complete, expend funds, submit products, and request final reimbursement by **August 31, 2022**. Requests for extensions must be made thirty days prior to that end date. The following dates shall be used as a guideline for submission of products:

July 31, 2021	Finalize RFP to solicit for consultant services
August 31, 2021	Contract with consultant / Meeting with SHPO staff
February 28, 2022	All survey records uploaded to KHRI / Receive SHPO comment
May 30, 2022	Draft National Register nomination submitted to SHPO
July 31, 2022	Submit final National Register nomination
August 31, 2022	Submit all final products and grant completion report

b. Scope of Work

The Subgrantee shall use grant funds to implement the preservation activities identified below. The Subgrantee shall advise SHPO immediately of any problems that arise that impair its ability to meet its obligations under this Agreement.

The scope of work identified in this Agreement shall not be changed by the Subgrantee without prior written approval from SHPO. The Subgrantee shall conduct the project in following manner:

- (1) The Subgrantee will hire a preservation consultant to conduct a reconnaissance survey of the area approximately bounded by 10th Street to the west, Washington Boulevard to the north, 6th Street to the east, and Tauromee Avenue to the south in downtown Kansas City, KS. The reconnaissance work will include field observations, photographs of each property, and a review of existing research on the history of the district.**
- (2) The Subgrantee and the Preservation Consultant will meet with SHPO staff initially to review expectations for the project. SHPO staff will provide forms and guidance on the type of information required for the eligibility determination.**
- (3) Consultant will create or update complete inventory forms in the Kansas Historic Resources Inventory (KHRI) online database and will produce a summary report sufficient for SHPO staff to determine if the proposed area is eligible for listing in the National Register of Historic Places**
- (4) Consultant will submit to the SHPO digital copies of images and site plans meeting the requirements outlined in the *HPF 2021 Grant Products Manual* and *HPF Grant-Funded Survey Requirements FY2021*.**
- (5) If it is determined by SHPO that a potential historic district is eligible, the Subgrantee will obtain the services of another preservation consultant or continue the services of the initial consultant who will use the gathered survey information from this project as well as initial survey work done in 2016 along with other research to produce a new nomination to the National Register of Historic Places for this district meeting all requirements as outlined in the National Register Bulletin 16A;**
- (6) The Subgrantee will conduct a minimum of one public meeting during the grant period (alternative means of conducting public education may be approved by SHPO).**
- (7) The Subgrantee will provide regular monthly reports and a Completion Report as outlined in SHPO's *2021 Historic Preservation Fund Grant Guide*.**

c. Monthly Reports and Draft Submissions

The Subgrantee shall submit monthly reports to SHPO on the forms supplied by SHPO. Such reports shall be due on the tenth of the following month. Repeated failure to return monthly reports in a timely manner will jeopardize future grant funding. The Subgrantee shall provide a draft copy of any reports or publications to review before the final copy is prepared for submission or publication.

d. Project Spanning Two Fiscal Years

If parts of the grant project will be carried out during two federal fiscal years, the Subgrantee shall prepare a one-page progress report as of September 30 that covers both the project work and fiscal expenditures. Subgrantees are required to request reimbursement for all expenditures incurred in the first federal fiscal year no later than the following October 31.

II. PROJECT ACCOUNTING AND PAYMENT

a. Total Project Cost

The total project cost is estimated to be **\$21,000.00**. Subgrantee shall be reimbursed 60% of project costs with grant funds, up to **\$12,500.00** ("federal share"). Subgrantee shall pay for the remaining 40% of project costs, and Subgrantee's match shall not be less than **\$8,333.00** ("Subgrantee's share").

b. Reimbursement Procedure

The federal funds shall be obtained by the Subgrantee by completing a discrete part of the project with its own funds, providing the products to SHPO and then requesting reimbursement for 60% of the cost. However, 10% of the federal funds requested will be withheld until satisfactory completion of all the Project Agreement conditions. No billing may be reimbursed at greater than 60%. The National Park Service requires that the costs of products which do not meet the relevant Secretary of Interior's *Standards* cannot be reimbursed.

c. Project Budget

	Cash Match	In-Kind Match	Indirect Costs	Federal Share	Total
Salaries					
Administrator	\$1,500.00	\$0.00	0.00	0.00	\$1,500.00
Consultant	\$6,000.00	0.00	0.00	\$12,500.00	\$18,500.00
Printing & Advertising	0.0	\$1,000.00	0.00	0.00	\$1,000.00
Total	\$7,500.00	\$1,000.00	0.00	\$12,500.00	\$21,000.00

No billing will be reimbursed without completion of one or more of the specific products described below along with documentation of the expenditures associated. The project products include:

1. **Approximately 200 new and updated inventory records complete and uploaded to KHRI sufficient to document downtown Kansas City, Kansas for purposes of National Register eligibility determination by SHPO staff.**
2. **One summary report of survey findings and recommendations complete and submitted to the SHPO staff for eligibility determination.**
3. **A National Register of Historic Places nomination for downtown Kansas City, KS with all required attachments submitted according to the NR Bulletin 16A and the guidance of the SHPO's Register Coordinator.**
4. **A completion report including methodology for this project submitted within 30 days of project completion.**

A maximum of **nine thousand dollars (\$9,000.00)** in federal funds shall be reimbursed upon SHPO receipt of and approval of the complete inventory forms and draft survey report. The remaining funds shall be reimbursed upon SHPO receipt and approval of all final products noted above and all completion report materials.

d. Billing Frequency

Billing shall be done as required by SHPO and must be directly related to the completion of a specified part or parts of the project with those products as listed above. Final payment will not be made by SHPO until the project reports and products have been turned in, examined, and found to meet the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation*.

e. Request for Reimbursement

The Subgrantee shall file requests for reimbursement on forms furnished by SHPO and accompanied by copies of the vouchers, payroll records, and whatever other documents such as canceled checks, toll call records, copy records, etc., that are necessary to substantiate the costs. (See HPF Grant Guide, Chapter 4.)

f. Documentation Required

The Subgrantee shall furnish copies of all project source documents, such as contracts, vouchers, payroll records, time sheets, invoices, canceled checks, etc., to SHPO. This includes supporting documentation for the Subgrantee's share, including in-kind services, as well as for the expenditures of the federal share.

g. SHPO's Responsibility

SHPO assumes no fiscal responsibility to the Subgrantee other than to pass through historic preservation funds as available for the performance of the project work.

III. PROJECT REPORTSa. Copies of Publications

If any published documents are produced under the terms of this Agreement (such as public information pamphlets or walking tour brochures), the Subgrantee shall submit two copies of each to SHPO. Some of these may be provided in electronic format with SHPO approval.

b. Right of SHPO Use

SHPO reserves the non-exclusive right to use and reproduce maps, survey forms, photographs, and other materials submitted by the Subgrantee in carrying out SHPO's survey, planning, and public education responsibilities.

c. Acknowledgment of Federal Assistance

The assistance of the National Park Service, Department of the Interior, will be acknowledged in any reports, publications, audiovisual productions, project literature, and at all public meetings and programs where the project is discussed or explained. The acknowledgment may be written as follows:

The (activity) which is the subject of this (type of publication) has been financed in part with Federal funds from the National Park Service, a division of the United States Department of the Interior and administered by the Kansas Historical Society. The contents and opinions, however, do not necessarily reflect the view or policies of The United States Department of the Interior or the Kansas Historical Society.

d. Copyright

The Subgrantee is free to copyright any books, publications, audiovisual productions or other copyrightable materials developed because of this Agreement. However, any such copyrightable materials will be subject to a royalty free, nonexclusive, and irrevocable license throughout the world to SHPO and/or the United States Government to reproduce, publish, or otherwise use, and to authorize others to use the work for Government purposes.

IV. RECORD RETENTION AND AUDIT EXAMINATION

a. Right of Access to Subgrantee's Records

The Subgrantee shall provide the right of access to any books, documents, papers, or other records which are pertinent to the Historic Preservation Fund grant to the Department of the Interior, the Comptroller General of the United States, the Kansas Historical Society or any of their duly authorized representatives to make an audit, examination, excerpts, or transcript.

b. Single Audit

The Subgrantee shall ensure that the federal funds received through this grant will be included in an audit base subject to the single audit requirements if required of the Subgrantee. Two copies of the audit results pertaining to this grant will be made available to SHPO upon completion of the audit.

c. Responsibility to Repay Improperly Used Funds

If an audit or other examination should produce findings that funds were improperly expended by the Subgrantee, the Subgrantee has the sole responsibility for repaying those funds.

d. Subgrantee to Provide Needed Fiscal Data

The Subgrantee shall provide SHPO such fiscal information as it may need for federal or state budgetary or reporting purposes.

e. Approval of Expenditures

The Subgrantee shall not incur expenses on this project other than those included in the project budget approved by SHPO. Budget amendments may be requested by the subgrantee, but all proposed changes must be approved in writing by SHPO before the expenses are incurred.

f. Financial Management System

The Subgrantee shall have in place a financial management system, which meets the standards of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance - 2 CFR Part 200).

g. Record Retainage

All project records must be retained by the Subgrantee for three (3) years from the date of submission of the final project completion report per 43 CFR 12.82.

V. PROHIBITION OF LOBBYING

a. Federal Requirements

The Subgrantee shall comply with the provisions of 18 USC 1913: "No part of the money appropriated by any enactment of Congress shall; in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or employees of the United States or its Departments or agencies from communicating to Members of Congress at the request of any Member, or to Congress through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business." Thus, costs associated with activities to influence legislation pending before the Congress, commonly referred to as "lobbying," are unallowable as charges to HPF-assisted grants, either on a direct or indirect cost basis.

VI. HIRING OF CONSULTANT

a. SHPO Approval Required

Any consultant or other person or entity hired to perform work under this grant shall be subject to the approval of SHPO and shall be qualified to do the work. Sub-contracting of any work performed under this Agreement must be approved in writing by SHPO.

b. Competitive Procurement

The Subgrantee shall provide SHPO with evidence that competitive procurement requirements for professional services and subcontracts have been met. The awarding of any contract to fulfill work under this grant shall be done competitively as required by the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200). Reference also the Kansas HPF Grant Guide.

c. Conflict of Interest

No employee, officer, or agent of the Subgrantee shall participate in the selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when any of the following has a financial or other interest in the firm selected for award: (1) the employee, officer, or agent; (2) any member of his immediate family; (3) his or her partner; or (4) an organization which employs, or is about to employ, any of the above. The Subgrantee's officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subgrant agreements. Grantees may set minimum rules where the financial interest is not deemed substantial or the gift is an unsolicited item of nominal intrinsic value.

d. Copeland Anti-Kickback Act

For any project involving construction or repair, all contracts and subgrants shall include a provision noting compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3). This Act provides that each contractor or subgrantee shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The grantee shall report all suspected or reported violations to the National Park Service.

VII. TERMINATION OF CONTRACT

a. Basis of Termination

Failure on the part of the Subgrantee to observe the conditions of this agreement, and by reference, the requirements of the grants manuals of the National Park Service and SHPO, shall constitute just cause for terminating the project and reassigning the federal funds to other projects. A complete stoppage of work without prior approval by SHPO shall be grounds for termination of the project.

b. Process for Close Out

Under either circumstance, the project would be closed out in accordance with the requirements of the "HPF Grant Guide."

VIII. REGULATIONS COMPLIANCE

a. Civil Rights and Nondiscrimination

The Subgrantee shall make available to the public Title VI and Section 504 nondiscrimination information. The following language shall be used:

This program receives Federal funds from the National Park Service. Regulations of the U.S. Department of the Interior strictly prohibit unlawful discrimination in departmental Federally Assisted programs on the basis of race, color, national origin, age or handicap. Any person who believes he or she has been discriminated against in any program, activity, or facility operated by a recipient of federal assistance should write to: Director, Office of Equal Opportunity, National Park Service, 1849 C Street, NWS, Washington, D.C. 20240

b. Additional Code of Federal Regulations Compliance

By signing this agreement, the Subgrantee agrees to abide by the requirements, as applicable, stated in the attached Grant and Cooperative Agreement between the United State Department of the Interior – National Park Service and the Kansas Historical Society. This agreement will be provided upon receipt by the Kansas Historical Society.

c. Kansas Executive Order 18-04 and Kansas Historical Society Sexual Harassment Policy

By signing this agreement, the Subgrantee agrees to abide by the State of Kansas Policy Against Sexual Harassment, Discrimination, and Retaliation established by Executive Order 18-04.

IX. KANSAS HISTORICAL SOCIETY HELD HARMLESS FROM CLAIMS AGAINST SUBGRANTEE

a. Claims are Responsibility of Subgrantee

The Subgrantee agrees that the SHPO and all of their officers, agents and employees shall not be liable for claims on account of personal bodily injuries or death or on account of property damages arising out of the work to be performed by the Subgrantee hereunder and resulting solely from the negligent acts or omissions of the Subgrantee, its agents, employees and subcontractors. Such claims may be pursued in accordance with the provisions of the Kansas Tort Claims Act, K.S.A. 75-6101 et. seq.

X. AMENDMENT

a. Request

Either party may make a written request for changes to this Agreement.

b. Approval

Changes must be agreed to in writing by both parties.

XI. CONTRACTURAL PROVISIONS ATTACHMENT AND APPENDIX II of 2 CFR 200

The Provisions found in Contractural Provisions Attachment (Form DA-146a, Rev. 07-19) and the requirements of provisions in Appendix II of 2 CFR 200, which are attached hereto, are hereby incorporated in this contract and made a part thereof.

STATE HISTORIC PRESERVATION
OFFICER

Signature of Authorized
Representative of Subgrantee

Date

Printed name and title of signatory

Date

State of Kansas
 Department of Administration DA-146a
 (Rev. 07-19)

CONTRACTUAL PROVISIONS ATTACHMENT

Important: This form contains mandatory contract provisions and must be attached to or incorporated in all copies of any contractual agreement. If it is attached to the vendor/contractor's standard contract form, then that form must be altered to contain the following provision:

The Provisions found in Contractual Provisions Attachment (Form DA-146a, Rev. 07-19), which is attached hereto, are hereby incorporated in this contract and made a part thereof.

The parties agree that the following provisions are hereby incorporated into the contract to which it is attached and made a part thereof, said contract being the _____ day of _____, 20_____.

1. Terms Herein Controlling Provisions: It is expressly agreed that the terms of each and every provision in this attachment shall prevail and control over the terms of any other conflicting provision in any other document relating to and a part of the contract in which this attachment is incorporated. Any terms that conflict or could be interpreted to conflict with this attachment are nullified.

2. Kansas Law and Venue: This contract shall be subject to, governed by, and construed according to the laws of the State of Kansas, and jurisdiction and venue of any suit in connection with this contract shall reside only in courts located in the State of Kansas.

3. Termination Due To Lack Of Funding Appropriation: If, in the judgment of the Director of Accounts and Reports, Department of Administration, sufficient funds are not appropriated to continue the function performed in this agreement and for the payment of the charges hereunder, State may terminate this agreement at the end of its current fiscal year. State agrees to give written notice of termination to contractor at least thirty (30) days prior to the end of its current fiscal year and shall give such notice for a greater period prior to the end of such fiscal year as may be provided in this contract, except that such notice shall not be required prior to ninety (90) days before the end of such fiscal year. Contractor shall have the right, at the end of such fiscal year, to take possession of any equipment provided State under the contract. State will pay to the contractor all regular contractual payments incurred through the end of such fiscal year, plus contractual charges incidental to the return of any such equipment. Upon termination of the agreement by State, title to any such equipment shall revert to contractor at the end of the State's current fiscal year. The termination of the contract pursuant to this paragraph shall not cause any penalty to be charged to the agency or the contractor.

4. Disclaimer Of Liability: No provision of this contract will be given effect that attempts to require the State of Kansas or its agencies to defend, hold harmless, or indemnify any contractor or third party for any acts or omissions. The liability of the State of Kansas is defined under the Kansas Tort Claims Act (K.S.A. 75-6101, *et seq.*).

5. Anti-Discrimination Clause: The contractor agrees: (a) to comply with the Kansas Act Against Discrimination (K.S.A. 44-1001, *et seq.*) and the Kansas Age Discrimination in Employment Act (K.S.A. 44-1111, *et seq.*) and the applicable provisions of the Americans With Disabilities Act (42 U.S.C. 12101, *et seq.*) (ADA), and Kansas Executive Order No. 19-02, and to not discriminate against any person because of race, color, gender, sexual orientation, gender identity or expression, religion, national origin, ancestry, age, military or veteran status, disability status, marital or family status, genetic information, or political affiliation that is unrelated to the person's ability to reasonably perform the duties of a particular job or position; (b) to include in all solicitations or advertisements for employees, the phrase "equal opportunity employer"; (c) to comply with the reporting requirements set out at K.S.A. 44-1031 and K.S.A. 44-1116; (d) to include those provisions in every subcontract or purchase order so that they are binding upon such subcontractor or vendor; (e) that a failure to comply with the reporting requirements of (c) above or if the contractor is found guilty of any violation of such acts by the Kansas Human Rights

Commission, such violation shall constitute a breach of contract and the contract may be cancelled, terminated or suspended, in whole or in part, by the contracting state agency or the Kansas Department of Administration; (f) Contractor agrees to comply with all applicable state and federal anti-discrimination laws and regulations; (g) Contractor agrees all hiring must be on the basis of individual merit and qualifications, and discrimination or harassment of persons for the reasons stated above is prohibited; and (h) if it is determined that the contractor has violated the provisions of any portion of this paragraph, such violation shall constitute a breach of contract and the contract may be canceled, terminated, or suspended, in whole or in part, by the contracting state agency or the Kansas Department of Administration.

6. Acceptance of Contract: This contract shall not be considered accepted, approved or otherwise effective until the statutorily required approvals and certifications have been given.

7. Arbitration, Damages, Warranties: Notwithstanding any language to the contrary, no interpretation of this contract shall find that the State or its agencies have agreed to binding arbitration, or the payment of damages or penalties. Further, the State of Kansas and its agencies do not agree to pay attorney fees, costs, or late payment charges beyond those available under the Kansas Prompt Payment Act (K.S.A. 75-6403), and no provision will be given effect that attempts to exclude, modify, disclaim or otherwise attempt to limit any damages available to the State of Kansas or its agencies at law, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose.

8. Representative's Authority to Contract: By signing this contract, the representative of the contractor thereby represents that such person is duly authorized by the contractor to execute this contract on behalf of the contractor and that the contractor agrees to be bound by the provisions thereof.

9. Responsibility for Taxes: The State of Kansas and its agencies shall not be responsible for, nor indemnify a contractor for, any federal, state or local taxes which may be imposed or levied upon the subject matter of this contract.

10. Insurance: The State of Kansas and its agencies shall not be required to purchase any insurance against loss or damage to property or any other subject matter relating to this contract, nor shall this contract require them to establish a "self-insurance" fund to protect against any such loss or damage. Subject to the provisions of the Kansas Tort Claims Act (K.S.A. 75-6101, *et seq.*), the contractor shall bear the risk of any loss or damage to any property in which the contractor holds title.

11. Information: No provision of this contract shall be construed as limiting the Legislative Division of Post Audit from having access to information pursuant to K.S.A. 46-1101, *et seq.*

12. The Eleventh Amendment: "The Eleventh Amendment is an inherent and incumbent protection with the State of Kansas and need not be reserved, but prudence requires the State to reiterate that nothing related to this contract shall be deemed a waiver of the Eleventh Amendment."

13. Campaign Contributions / Lobbying: Funds provided through a grant award or contract shall not be given or received in exchange for the making of a campaign contribution. No part of the funds provided through this contract shall be used to influence or attempt to influence an officer or employee of any State of Kansas agency or a member of the Legislature regarding any pending legislation or the awarding, extension, continuation, renewal, amendment or modification of any government contract, grant, loan, or cooperative agreement.

Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

(A) Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate. {Does not apply to this subaward due to amount of award.}

(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”

(D) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. {Does not apply to this subaward. This is not required by the Historic Preservation Fund federal funding program.}

The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence. {Does not apply to this subaward due to amount of award.}

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of “funding agreement” under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

(G) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA). {Does not apply to this subaward due to the amount of the award.}

(H) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(I) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award. {Does not apply to this subaward due to the amount of the award.}

(J) See §200.322 Procurement of recovered materials.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75888, Dec. 19, 2014]

PROJECT AGREEMENT

THIS AGREEMENT is hereby entered into this _____ day of _____, 2021 by and between the **Unified Government of Wyandotte County / Kansas City, Kansas**, (hereinafter Subgrantee”), and the State of Kansas, Kansas Historical Society, State Historic Preservation Office, (hereinafter “SHPO”).

WHEREAS, the Subgrantee has applied for and been awarded a **\$18,000** Historic Preservation Fund grant from SHPO to undertake a project to **survey religion-related properties in the area of downtown Kansas City, KS and produce a multiple property documentation form providing context for listing such properties to the National Register of Historic Places; and,**

WHEREAS, the Historic Preservation Fund grant is funded by federal historic preservation funds appropriated by Congress to carrying out its National Historic Preservation Act, as amended; and,

WHEREAS, in order to receive the grant funds, the Subgrantee must carry out its project activities in accordance with the Secretary of the Interior’s *Standards and Guidelines for Archeology and Historic Preservation*; and,

WHEREAS, the Subgrantee shall follow all requirements in the “Historic Preservation Grants Manual” prepared by the National Park Service, and the “Historic Preservation Fund (HPF) Grant Guide” prepared by SHPO; and

WHEREAS, the Subgrantee shall follow the conditions and requirements governing National Park Service grants as outlined herein; and,

WHEREAS, the parties desire to enter an Agreement setting forth these and other requirements relating to the grant.

NOW THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

I. WORK TO BE PERFORMEDa. Schedule

Subgrantee will not begin work under the terms of this Agreement prior to **June 9, 2021**, and Subgrantee will complete, expend funds, submit products, and request final reimbursement by **August 31, 2022**. Requests for extensions must be made thirty days prior to that end date. The following dates will be used as a guideline for submission of products:

July 31, 2021	Finalize RFP to solicit for consultant services
August 31, 2021	Contract with consultant / Meeting with SHPO staff
February 28, 2022	All survey records uploaded to KHRI / Receive SHPO comment
May 30, 2022	Draft multiple property document and nomination(s) submitted to SHPO
July 31, 2022	Submit final National Register forms and materials
August 31, 2022	Submit all final products and grant completion report

b. Scope of Work

The Subgrantee will use grant funds to implement the preservation activities identified below. The Subgrantee will advise SHPO immediately of any problems that arise that impair its ability to meet its obligations under this Agreement.

The scope of work identified in this Agreement will not be changed by the Subgrantee without prior written approval from SHPO. The Subgrantee will conduct the project in following manner:

- (1) The Subgrantee will hire a preservation consultant to conduct an intensive level survey of the area approximately bounded by 10th Street to the west, Washington Boulevard to the north, 6th Street to the east, and Tauromee Avenue to the south in downtown Kansas City, KS specifically focused on properties with a historic association related to religious worship.**
- (2) The Subgrantee and the Preservation Consultant will meet with SHPO staff initially to review expectations for the project. SHPO staff will provide forms and guidance on the type of information required for the eligibility determination.**
- (3) Consultant will create or update complete inventory forms in the Kansas Historic Resources Inventory (KHRI) online database and will produce a summary report sufficient for SHPO staff to determine which properties may be eligible for individual listing in the National Register of Historic Places.**
- (4) Consultant will submit to the SHPO digital copies of images and site plans meeting the requirements outlined in the *HPF 2021 Grant Products Manual* and *HPF Grant-Funded Survey Requirements FY2021*.**
- (5) If it is determined by SHPO that there is sufficient information to warrant a Multiple Property Documentation Form (MPDF) for these property types, the Consultant will prepare such a document meeting all requirements found in National Register Bulletin 16B, along with at least one individual nomination under the MPDF. If SHPO determines that a MPDF is not recommended, then the scope for Consultant services will focus on preparation of multiple individual nominations meeting all requirements as outlined in the National Register Bulletin 16A.**
- (6) The Subgrantee will conduct a minimum of one public meeting during the grant period (alternative means of conducting public education may be approved by SHPO).**
- (7) The Subgrantee will provide regular monthly reports and a Completion Report as outlined in SHPO's *2021 Historic Preservation Fund Grant Guide*.**

c. Monthly Reports and Draft Submissions

The Subgrantee will submit monthly reports to SHPO on the forms supplied by SHPO. Such reports will be due on the tenth of the following month. Repeated failure to return monthly reports in a timely manner will jeopardize future grant funding. The Subgrantee will provide a draft copy of any reports or publications to review before the final copy is prepared for submission or publication.

d. Project Spanning Two Fiscal Years

If parts of the grant project will be carried out during two federal fiscal years, the Subgrantee will prepare a one-page progress report as of September 30 that covers both the project work and fiscal expenditures. Subgrantees are required to request reimbursement for all expenditures incurred in the first federal fiscal year no later than the following October 31.

II. PROJECT ACCOUNTING AND PAYMENT

a. Total Project Cost

The total project cost is estimated to be **\$30,000.00**. Subgrantee will be reimbursed 60% of project costs with grant funds, up to **\$18,000.00** ("federal share"). Subgrantee will pay for the remaining 40% of project costs, and Subgrantee's match will not be less than **\$12,000.00** ("Subgrantee's share").

b. Reimbursement Procedure

The federal funds will be obtained by the Subgrantee by completing a discrete part of the project with its own funds, providing the products to SHPO and then requesting reimbursement for 60% of the cost. However, 10% of the federal funds requested will be withheld until satisfactory completion of all the Project Agreement conditions. No billing may be reimbursed at greater than 60%. The National Park Service requires that the costs of products which do not meet the relevant Secretary of Interior's *Standards* cannot be reimbursed.

c. Project Budget

	Cash Match	In-Kind Match	Indirect Costs	Federal Share	Total
Salaries					
Administrator	\$1,500.00	\$0.00	0.00	0.00	\$1,500.00
Consultant	\$9,500.00	0.00	0.00	\$18,000.00	\$27,500.00
Supplies	0.0	\$1,000.00	0.00	0.00	\$1,000.00
Total	\$11,000.00	\$1,000.00	0.00	\$18,000.00	\$30,000.00

No billing will be reimbursed without completion of one or more of the specific products described below along with documentation of the expenditures associated. The project products include:

1. **New and updated inventory records complete and uploaded to KHRI sufficient to document religion-related resources in downtown Kansas City, Kansas for purposes of National Register eligibility determination by SHPO staff.**
2. **One summary report of survey findings and recommendations complete and submitted to the SHPO staff for eligibility determination.**
3. **A Multiple Property Documentation Form (MPDF) with at least one National Register of Historic Places nomination including with all required attachments submitted according to the NR Bulletins 16A, 16B, and the guidance of the SHPO's Register Coordinator. An alternative to these products may be substituted with SHPO approval.**
4. **A completion report including methodology for this project submitted within 30 days of project completion.**

A maximum of **nine thousand dollars (\$9,000.00)** in federal funds will be reimbursed upon SHPO receipt of and approval of the complete inventory forms and draft survey report. The remaining funds will be reimbursed upon SHPO receipt and approval of all final products noted above and all completion report materials.

d. Billing Frequency

Billing will be done as required by SHPO and must be directly related to the completion of a specified part or parts of the project with those products as listed above. Final payment will not be made by SHPO until the project reports and products have been turned in, examined, and found to meet the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation*.

e. Request for Reimbursement

The Subgrantee will file requests for reimbursement on forms furnished by SHPO and accompanied by copies of the vouchers, payroll records, and whatever other documents such as canceled checks, toll call records, copy records, etc., that are necessary to substantiate the costs. (See HPF Grant Guide, Chapter 4.)

f. Documentation Required

The Subgrantee will furnish copies of all project source documents, such as contracts, vouchers, payroll records, time sheets, invoices, canceled checks, etc., to SHPO. This includes supporting documentation for the Subgrantee's share, including in-kind services, as well as for the expenditures of the federal share.

g. SHPO's Responsibility

SHPO assumes no fiscal responsibility to the Subgrantee other than to pass through historic preservation funds as available for the performance of the project work.

III. PROJECT REPORTSa. Copies of Publications

If any published documents are produced under the terms of this Agreement (such as public information pamphlets or walking tour brochures), the Subgrantee will submit two copies of each to SHPO. Some of these may be provided in electronic format with SHPO approval.

b. Right of SHPO Use

SHPO reserves the non-exclusive right to use and reproduce maps, survey forms, photographs, and other materials submitted by the Subgrantee in carrying out SHPO's survey, planning, and public education responsibilities.

c. Acknowledgment of Federal Assistance

The assistance of the National Park Service, Department of the Interior, will be acknowledged in any reports, publications, audiovisual productions, project literature, and at all public meetings and programs where the project is discussed or explained. The acknowledgment may be written as follows:

The (activity) which is the subject of this (type of publication) has been financed in part with Federal funds from the National Park Service, a division of the United States Department of the Interior and administered by the Kansas Historical Society. The contents and opinions, however, do not necessarily reflect the view or policies of The United States Department of the Interior or the Kansas Historical Society.

d. Copyright

The Subgrantee is free to copyright any books, publications, audiovisual productions or other copyrightable materials developed because of this Agreement. However, any such copyrightable materials will be subject to a royalty free, nonexclusive, and irrevocable license throughout the world to SHPO and/or the United States Government to reproduce, publish, or otherwise use, and to authorize others to use the work for Government purposes.

IV. RECORD RETENTION AND AUDIT EXAMINATION

a. Right of Access to Subgrantee's Records

The Subgrantee will provide the right of access to any books, documents, papers, or other records which are pertinent to the Historic Preservation Fund grant to the Department of the Interior, the Comptroller General of the United States, the Kansas Historical Society or any of their duly authorized representatives to make an audit, examination, excerpts, or transcript.

b. Single Audit

The Subgrantee will ensure that the federal funds received through this grant will be included in an audit base subject to the single audit requirements if required of the Subgrantee. Two copies of the audit results pertaining to this grant will be made available to SHPO upon completion of the audit.

c. Responsibility to Repay Improperly Used Funds

If an audit or other examination should produce findings that funds were improperly expended by the Subgrantee, the Subgrantee has the sole responsibility for repaying those funds.

d. Subgrantee to Provide Needed Fiscal Data

The Subgrantee will provide SHPO such fiscal information as it may need for federal or state budgetary or reporting purposes.

e. Approval of Expenditures

The Subgrantee will not incur expenses on this project other than those included in the project budget approved by SHPO. Budget amendments may be requested by the subgrantee, but all proposed changes must be approved in writing by SHPO before the expenses are incurred.

f. Financial Management System

The Subgrantee will have in place a financial management system, which meets the standards of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance - 2 CFR Part 200).

g. Record Retainage

All project records must be retained by the Subgrantee for three (3) years from the date of submission of the final project completion report per 43 CFR 12.82.

V. PROHIBITION OF LOBBYING

a. Federal Requirements

The Subgrantee will comply with the provisions of 18 USC 1913: "No part of the money appropriated by any enactment of Congress will; in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this will not prevent officers or employees of the United States or its Departments or agencies from communicating to Members of Congress at the request of any Member, or to Congress through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business." Thus, costs associated with activities to influence legislation pending before the Congress, commonly referred to as "lobbying," are unallowable as charges to HPF-assisted grants, either on a direct or indirect cost basis.

VI. HIRING OF CONSULTANT

a. SHPO Approval Required

Any consultant or other person or entity hired to perform work under this grant will be subject to the approval of SHPO and will be qualified to do the work. Sub-contracting of any work performed under this Agreement must be approved in writing by SHPO.

b. Competitive Procurement

The Subgrantee will provide SHPO with evidence that competitive procurement requirements for professional services and subcontracts have been met. The awarding of any contract to fulfill work under this grant will be done competitively as required by the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200). Reference also the Kansas HPF Grant Guide.

c. Conflict of Interest

No employee, officer, or agent of the Subgrantee will participate in the selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when any of the following has a financial or other interest in the firm selected for award: (1) the employee, officer, or agent; (2) any member of his immediate family; (3) his or her partner; or (4) an organization which employs, or is about to employ, any of the above. The Subgrantee's officers, employees, or agents will neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subgrant agreements. Grantees may set minimum rules where the financial interest is not deemed substantial or the gift is an unsolicited item of nominal intrinsic value.

d. Copeland Anti-Kickback Act

For any project involving construction or repair, all contracts and subgrants will include a provision noting compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3). This Act provides that each contractor or subgrantee will be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The grantee will report all suspected or reported violations to the National Park Service.

VII. TERMINATION OF CONTRACT

a. Basis of Termination

Failure on the part of the Subgrantee to observe the conditions of this agreement, and by reference, the requirements of the grants manuals of the National Park Service and SHPO, will constitute just cause for terminating the project and reassigning the federal funds to other projects. A complete stoppage of work without prior approval by SHPO will be grounds for termination of the project.

b. Process for Close Out

Under either circumstance, the project would be closed out in accordance with the requirements of the "HPF Grant Guide."

VIII. REGULATIONS COMPLIANCE

a. Civil Rights and Nondiscrimination

The Subgrantee will make available to the public Title VI and Section 504 nondiscrimination information. The following language will be used:

This program receives Federal funds from the National Park Service. Regulations of the U.S. Department of the Interior strictly prohibit unlawful discrimination in departmental Federally Assisted programs on the basis of race, color, national origin, age or handicap. Any person who believes he or she has been discriminated against in any program, activity, or facility operated by a recipient of federal assistance should write to: Director, Office of Equal Opportunity, National Park Service, 1849 C Street, NWS, Washington, D.C. 20240

b. Additional Code of Federal Regulations Compliance

By signing this agreement, the Subgrantee agrees to abide by the requirements, as applicable, stated in the attached Grant and Cooperative Agreement between the United State Department of the Interior – National Park Service and the Kansas Historical Society. This agreement will be provided upon receipt by the Kansas Historical Society.

c. Kansas Executive Order 18-04 and Kansas Historical Society Sexual Harassment Policy

By signing this agreement, the Subgrantee agrees to abide by the State of Kansas Policy Against Sexual Harassment, Discrimination, and Retaliation established by Executive Order 18-04.

IX. KANSAS HISTORICAL SOCIETY HELD HARMLESS FROM CLAIMS AGAINST SUBGRANTEE

a. Claims are Responsibility of Subgrantee

The Subgrantee agrees that the SHPO and all of their officers, agents and employees will not be liable for claims on account of personal bodily injuries or death or on account of property damages arising out of the work to be performed by the Subgrantee hereunder and resulting solely from the negligent acts or omissions of the Subgrantee, its agents, employees and subcontractors. Such claims may be pursued in accordance with the provisions of the Kansas Tort Claims Act, K.S.A. 75-6101 et. seq.

X. AMENDMENT

a. Request

Either party may make a written request for changes to this Agreement.

b. Approval

Changes must be agreed to in writing by both parties.

XI. CONTRACTURAL PROVISIONS ATTACHMENT AND APPENDIX II of 2 CFR 200

The Provisions found in Contractural Provisions Attachment (Form DA-146a, Rev. 07-19) and the requirements of provisions in Appendix II of 2 CFR 200, which are attached hereto, are hereby incorporated in this contract and made a part thereof.

STATE HISTORIC PRESERVATION
OFFICER

Signature of Authorized
Representative of Subgrantee

Date

Printed name and title of signatory

Date

State of Kansas
 Department of Administration DA-146a
 (Rev. 07-19)

CONTRACTUAL PROVISIONS ATTACHMENT

Important: This form contains mandatory contract provisions and must be attached to or incorporated in all copies of any contractual agreement. If it is attached to the vendor/contractor's standard contract form, then that form must be altered to contain the following provision:

The Provisions found in Contractual Provisions Attachment (Form DA-146a, Rev. 07-19), which is attached hereto, are hereby incorporated in this contract and made a part thereof.

The parties agree that the following provisions are hereby incorporated into the contract to which it is attached and made a part thereof, said contract being the _____ day of _____, 20_____.

1. Terms Herein Controlling Provisions: It is expressly agreed that the terms of each and every provision in this attachment shall prevail and control over the terms of any other conflicting provision in any other document relating to and a part of the contract in which this attachment is incorporated. Any terms that conflict or could be interpreted to conflict with this attachment are nullified.

2. Kansas Law and Venue: This contract shall be subject to, governed by, and construed according to the laws of the State of Kansas, and jurisdiction and venue of any suit in connection with this contract shall reside only in courts located in the State of Kansas.

3. Termination Due To Lack Of Funding Appropriation: If, in the judgment of the Director of Accounts and Reports, Department of Administration, sufficient funds are not appropriated to continue the function performed in this agreement and for the payment of the charges hereunder, State may terminate this agreement at the end of its current fiscal year. State agrees to give written notice of termination to contractor at least thirty (30) days prior to the end of its current fiscal year and shall give such notice for a greater period prior to the end of such fiscal year as may be provided in this contract, except that such notice shall not be required prior to ninety (90) days before the end of such fiscal year. Contractor shall have the right, at the end of such fiscal year, to take possession of any equipment provided State under the contract. State will pay to the contractor all regular contractual payments incurred through the end of such fiscal year, plus contractual charges incidental to the return of any such equipment. Upon termination of the agreement by State, title to any such equipment shall revert to contractor at the end of the State's current fiscal year. The termination of the contract pursuant to this paragraph shall not cause any penalty to be charged to the agency or the contractor.

4. Disclaimer Of Liability: No provision of this contract will be given effect that attempts to require the State of Kansas or its agencies to defend, hold harmless, or indemnify any contractor or third party for any acts or omissions. The liability of the State of Kansas is defined under the Kansas Tort Claims Act (K.S.A. 75-6101, *et seq.*).

5. Anti-Discrimination Clause: The contractor agrees: (a) to comply with the Kansas Act Against Discrimination (K.S.A. 44-1001, *et seq.*) and the Kansas Age Discrimination in Employment Act (K.S.A. 44-1111, *et seq.*) and the applicable provisions of the Americans With Disabilities Act (42 U.S.C. 12101, *et seq.*) (ADA), and Kansas Executive Order No. 19-02, and to not discriminate against any person because of race, color, gender, sexual orientation, gender identity or expression, religion, national origin, ancestry, age, military or veteran status, disability status, marital or family status, genetic information, or political affiliation that is unrelated to the person's ability to reasonably perform the duties of a particular job or position; (b) to include in all solicitations or advertisements for employees, the phrase "equal opportunity employer"; (c) to comply with the reporting requirements set out at K.S.A. 44-1031 and K.S.A. 44-1116; (d) to include those provisions in every subcontract or purchase order so that they are binding upon such subcontractor or vendor; (e) that a failure to comply with the reporting requirements of (c) above or if the contractor is found guilty of any violation of such acts by the Kansas Human Rights

Commission, such violation shall constitute a breach of contract and the contract may be cancelled, terminated or suspended, in whole or in part, by the contracting state agency or the Kansas Department of Administration; (f) Contractor agrees to comply with all applicable state and federal anti-discrimination laws and regulations; (g) Contractor agrees all hiring must be on the basis of individual merit and qualifications, and discrimination or harassment of persons for the reasons stated above is prohibited; and (h) if it is determined that the contractor has violated the provisions of any portion of this paragraph, such violation shall constitute a breach of contract and the contract may be canceled, terminated, or suspended, in whole or in part, by the contracting state agency or the Kansas Department of Administration.

6. Acceptance of Contract: This contract shall not be considered accepted, approved or otherwise effective until the statutorily required approvals and certifications have been given.

7. Arbitration, Damages, Warranties: Notwithstanding any language to the contrary, no interpretation of this contract shall find that the State or its agencies have agreed to binding arbitration, or the payment of damages or penalties. Further, the State of Kansas and its agencies do not agree to pay attorney fees, costs, or late payment charges beyond those available under the Kansas Prompt Payment Act (K.S.A. 75-6403), and no provision will be given effect that attempts to exclude, modify, disclaim or otherwise attempt to limit any damages available to the State of Kansas or its agencies at law, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose.

8. Representative's Authority to Contract: By signing this contract, the representative of the contractor thereby represents that such person is duly authorized by the contractor to execute this contract on behalf of the contractor and that the contractor agrees to be bound by the provisions thereof.

9. Responsibility for Taxes: The State of Kansas and its agencies shall not be responsible for, nor indemnify a contractor for, any federal, state or local taxes which may be imposed or levied upon the subject matter of this contract.

10. Insurance: The State of Kansas and its agencies shall not be required to purchase any insurance against loss or damage to property or any other subject matter relating to this contract, nor shall this contract require them to establish a "self-insurance" fund to protect against any such loss or damage. Subject to the provisions of the Kansas Tort Claims Act (K.S.A. 75-6101, *et seq.*), the contractor shall bear the risk of any loss or damage to any property in which the contractor holds title.

11. Information: No provision of this contract shall be construed as limiting the Legislative Division of Post Audit from having access to information pursuant to K.S.A. 46-1101, *et seq.*

12. The Eleventh Amendment: "The Eleventh Amendment is an inherent and incumbent protection with the State of Kansas and need not be reserved, but prudence requires the State to reiterate that nothing related to this contract shall be deemed a waiver of the Eleventh Amendment."

13. Campaign Contributions / Lobbying: Funds provided through a grant award or contract shall not be given or received in exchange for the making of a campaign contribution. No part of the funds provided through this contract shall be used to influence or attempt to influence an officer or employee of any State of Kansas agency or a member of the Legislature regarding any pending legislation or the awarding, extension, continuation, renewal, amendment or modification of any government contract, grant, loan, or cooperative agreement.

Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

(A) Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate. {Does not apply to this subaward due to amount of award.}

(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”

(D) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. {Does not apply to this subaward. This is not required by the Historic Preservation Fund federal funding program.}

The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence. {Does not apply to this subaward due to amount of award.}

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of “funding agreement” under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

(G) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA). {Does not apply to this subaward due to the amount of the award.}

(H) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(I) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award. {Does not apply to this subaward due to the amount of the award.}

(J) See §200.322 Procurement of recovered materials.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75888, Dec. 19, 2014]



Staff Request for Commission Action

Tracking No. 21972

Full Commission Meeting Date: 8/26/2021

Committee: Full Commission

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: No

<u>Date:</u> 7/28/2021	<u>Contact Name:</u> Shanna DePriest, Patrick Waters, Jeffrey Conway	<u>Contact Phone:</u> x8623, x5079, x5075	<u>Contact Email:</u> sdepriest@wycokck.org, patrickwaters@wycokck.org, jconway@wycokck.org	<u>Department/Division:</u> Finance
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Item Description:

Adopt an ordinance and resolution accepting the federal American Rescue Plan Act allocations to the City of Kansas City, Kansas and to the County of Wyandotte, Kansas, per the Unified Government's Grant Policy, and the allocation of revenue replacement necessitated by COVID-19, for other non-revenue replacement eligible uses, and the approval of funds to be used for immediate need to fight the spread of COVID-19, presented by Kathleen VonAchen, Chief Financial Officer.

Action Requested:

Approve Ordinance and Resolution

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Acceptance of ARPA funds - Ordinance and Resolution (final-4)-KV edits (1), Revenue Replacement Calc-Exhibit A, ARPA Immediate Needs Report-8.12.21-FINAL-Exhibit B

ORDINANCE NO. O-_____
RESOLUTION NO. R-_____

AN ORDINANCE AND RESOLUTION FOR THE ACCEPTANCE OF FEDERAL FUNDS BY THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS UNDER THE AMERICAN RESCUE PLAN ACT, AND THE ALLOCATION OF FUNDS FOR REVENUE REPLACEMENT NECESSITATED BY COVID-19 AND FOR OTHER NON-REVENUE REPLACEMENT ELIGIBLE USES, AND FOR THE APPROVAL OF FUNDS TO BE USED FOR IMMEDIATE NEEDS TO FIGHT THE SPREAD OF COVID-19

WHEREAS, the American Rescue Plan Act (ARPA) was signed into law by President Biden on March 11, 2021, (Public Law 117-2), and was codified at 42 U.S.C. § 802 *et seq.*; and

WHEREAS, ARPA established the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund, which were together intended to provide support to State, local, and Tribal governments in responding to the impact of COVID-19 and in their efforts to contain COVID-19 on their communities, residents, and businesses; and

WHEREAS, the Recovery Funds are intended to build on and expand the support provided to these governments over the last year, including through the Coronavirus Relief Fund (CRF), which was established by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. No. 116-136, 134 Stat. 281 (2020); and

WHEREAS, ARPA—which, among other things, adds sections 602 and 603 to the Social Security Act—generally provides that the Recovery Funds may be used:

a) To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

b) To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers;

c) For the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and

d) To make necessary investments in water, sewer, or broadband infrastructure; and

WHEREAS, the Supplementary Information accompanying the federal Department of the Treasury’s Interim Final Rule (31 CFR Part 35) states that “these resources lay the foundation for a strong, equitable economic recovery, not only by providing immediate economic stabilization for households and businesses, but also by addressing the systemic public health and economic

challenges that may have contributed to more severe impacts of the pandemic among low-income communities and people of color.” (86 FR 26786, at 26788); and

WHEREAS, Section II.C of the Supplementary Information accompanying the federal Department of the Treasury’s Interim Final Rule (31 CFR Part 35) provides in part that, for purposes of calculating the revenue replacement:

- a) the definition of “general revenue” is based largely on the components reported under “General Revenue from Own Sources” in the Census Bureau’s Annual Survey of State and Local Government Finances, which seeks to ensure that the components of general revenue would be calculated in a consistent manner; and
- b) recipients are to compute the extent of the reduction in revenue by comparing actual revenue to a counterfactual trend representing what could have been expected to occur in the absence of the pandemic; and

WHEREAS, Section II.C of the Supplementary Information accompanying the federal Department of the Treasury’s Interim Final Rule (31 CFR Part 35) provides in part that, for purposes of measuring revenue growth in the counterfactual trend:

- a) recipients may use a growth adjustment of either 4.1 percent per year or the recipient’s average annual revenue growth over the three full fiscal years prior to the COVID-19 public health emergency, whichever is higher; and
- b) the option of 4.1 percent represents the average annual growth across all State and local government “General Revenue from Own Sources” in the most recent three years of available data of 2015 – 2018, as published in the U.S. Census Bureau, State & Local Government Finance Historical Datasets and Tables (2018), <https://www.census.gov/programs-surveys/gov-finances/data/datasets.html>; and

WHEREAS, based on the guidance accompanying the federal Department of the Treasury’s Interim Final Rule (at 31 CFR Part 35), the counterfactual trend utilized for recipient Kansas City, Kansas is calculated as 4.1% and the counterfactual trend utilized for recipient Wyandotte County, Kansas is calculated as 6.2%, as detailed in Exhibit A, which is attached hereto and incorporated by reference herein.

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/ KANSAS CITY, KANSAS AS FOLLOWS:

Section 1. The Unified Government Board of Commissioners hereby approves the acceptance of Fifty-Five Million Three Hundred Eighty-Three Thousand Eight Hundred Seventy-Two Dollars (\$55,383,872) from the Coronavirus Local Fiscal Recovery Fund on behalf of the City of Kansas City, Kansas.

Section 2. The Unified Government Board of Commissioners hereby approves that of the Kansas City, Kansas total allocation, Eighteen Million Seven Hundred Eighty Thousand Four Hundred Seventy Dollars (\$18,780,470) will be used to replace revenue lost due to COVID-19 during 2020, and an estimated Twelve Million Three Hundred Four Thousand Seven Hundred

Seventy-Four Dollars (\$12,304,774) will be used to replace revenue lost due to COVID-19 during 2021.

Section 3. The Unified Government Board of Commissioners hereby approves that of the remaining Kansas City, Kansas total allocation, non-revenue replacement eligible uses permitted under ARPA are Twenty-Four Million Two Hundred Ninety-Eight Thousand Six Hundred Twenty-Eight Dollars (\$24,298,628), including a set aside for immediate needs to fight the spread of COVID-19 as set forth in the ARPA Immediate Needs Report, attached hereto as Exhibit B and incorporated by reference herein.

Section 4. The Unified Government Board of Commissioners hereby approves the acceptance of Thirty-Two Million One Hundred Thirty-Two Thousand Six Hundred Forty-Four Dollars (\$32,132,644) from the Coronavirus Local Fiscal Recovery Fund on behalf of Wyandotte County, Kansas.

Section 5. The Unified Government Board of Commissioners hereby approves that of the Wyandotte County, Kansas total allocation, Six Million Six Hundred Fifty Thousand Eight Hundred Eighty Dollars (\$6,650,880) will be used to replace revenue lost due to COVID-19 during 2020, and an estimated Four Million Three Hundred Seventy Thousand Ninety-Five Dollars (\$4,370,095) will be used to replace revenue lost due to COVID-19 during 2021.

Section 6. The Unified Government Board of Commissioners hereby approves that of the remaining Wyandotte County, Kansas total allocation, non-revenue replacement eligible uses permitted under ARPA are Twenty-One Million One Hundred Eleven Thousand Six Hundred Sixty-Nine Dollars (\$21,111,669), including a set aside for immediate needs to fight the spread of COVID-19 as set forth in the ARPA Immediate Needs Report, attached hereto as Exhibit B and incorporated by reference herein.

Section 7. Effective Date. This ordinance and resolution shall take effect and be in full force from and after its passage and approval.

**APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,
THIS ____ DAY OF AUGUST 2021.**

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:

Unified Government Chief Counsel

EXHIBIT A

CALCULATION OF AMERICAN RESCUE PLAN, REVENUE REPLACEMENT

KANSAS CITY, KANSAS FUNDS							
	2019 Actuals - General Revenue from Own Sources	2020 Actuals - General Revenue from Own Sources	2020 Counterfactual with 4.1% CPI increase from 2019 Actuals	2020 COVID Revenue Loss	2021 Estimate - General Revenue from Own Sources	2021 Counterfactual with 4.1% CPI increase	2021 Est. COVID Revenue Loss
KCK FUNDS TOTALS:	\$ 239,942,629	\$ 230,999,806	\$249,780,276	\$ (18,780,470)	\$ 247,716,494	\$ 260,021,268	\$ (12,304,774)
WYANDOTTE COUNTY, KANSAS FUNDS							
	2019 Actuals - General Revenue from Own Sources	2020 Actuals - General Revenue from Own Sources	2020 Counterfactual with 6.2% CPI increase from 2019 Actuals	2020 COVID Revenue Loss	2021 Estimate - General Revenue from Own Sources	2021 Counterfactual with 6.2% CPI increase	2021 Est. COVID Revenue Loss
WYCO FUNDS TOTALS:	\$ 82,328,264	\$ 80,781,736	\$ 87,432,616	\$ (6,650,880)	\$ 88,483,343	\$ 92,853,438	\$ (4,370,095)

NOTES:

- For Kansas City, Kansas funds, the percentage increase in actual general revenues from own sources was 4.3% in 2017, 0.3% in 2018 and 3.3% in 2019, or a 3-year average of 2.6% which is below the minimum 4.1% growth factor allowed by ARPA.
- For Wyandotte County, Kansas funds, the percentage increase in actual general revenues from own sources was 8.7% in 2017, 3.4% in 2018 and 6.5% in 2019, or a 3-year average of 6.2% which is above the minimum 4.1% growth factor allowed by ARPA.

American Rescue Plan Act

IMMEDIATE NEEDS REPORT

**Unified Government of Wyandotte
County/Kansas City, Kansas
August 12, 2021**



The Board of Commissioners' goal is to use the American Rescue Plan Act (ARPA) funds to enable the community to recover from the coronavirus pandemic, while improving long-term resiliency by addressing key priority areas.



The Commissioners' Strategic Goals align with the priority areas of ARPA:

- Improve public health and community resilience
- Address disparities of disproportionately impacted communities
- Diminish family violence and substance abuse
- Create more stable, affordable housing and prevent evictions
- Invest in workforce development
- Augment broadband/internet access in underserved areas
- Invest in critical infrastructure
- Encourage small business development

CONTENTS

Objective

This report is submitted to the Board of Commissioners to propose eligible uses of the American Rescue Plan Act (ARPA) direct aid to the Unified Government that are immediate needs for the fight against COVID-19. Authorization of these resources as part of the Amended 2021 Budget is respectfully requested.

Disparities in Our Community

4

Direct Aid & Funding Requirements

5

ARPA Report, Immediate Needs Summary

6

Funding Split of Kansas City, KS & Wyandotte County, KS

7

Public Health

8

Negative Economic Impact

15

Disproportionately Impacted Communities

19

ARPA Grant Support

22

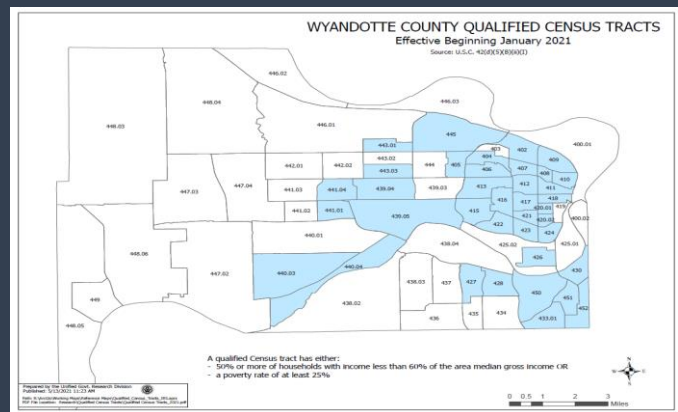
Online Processes & Technology Investments

23

Disparities in Our Community

Both the public health and economic impacts of the pandemic have fallen most severely on communities and populations disadvantaged before it began. Low-income communities and people of color have faced higher rates of infection, hospitalization, and death, as well as higher rates of unemployment and lack of basic necessities like food and housing. Pre-existing social vulnerabilities magnified the pandemic in these communities, where a reduced ability to work from home and, frequently, denser housing amplified the risk of infection. Similarly, communities or households facing economic insecurity before the pandemic were less able to weather business closures, job losses, or declines in earnings and were less able to participate in remote work or education due to the inequities in access to reliable and affordable broadband infrastructure. Unfortunately, the pandemic also has reversed many gains made by communities of color in the prior economic expansion.

Qualified Census Tracts is utilized by ARPA to determine where certain eligible funding can be directed. Of the total resident populations of approximately 165,000, 54% or 89,360 residents live in a qualified census tract (QCT) that meets one or both criteria (50% or more of households of four persons have incomes that are 60% less of the area median gross income **OR** a poverty rate of at least 25%.) Of the 70 total census tracts in the County, 38 meet the QCT criteria.

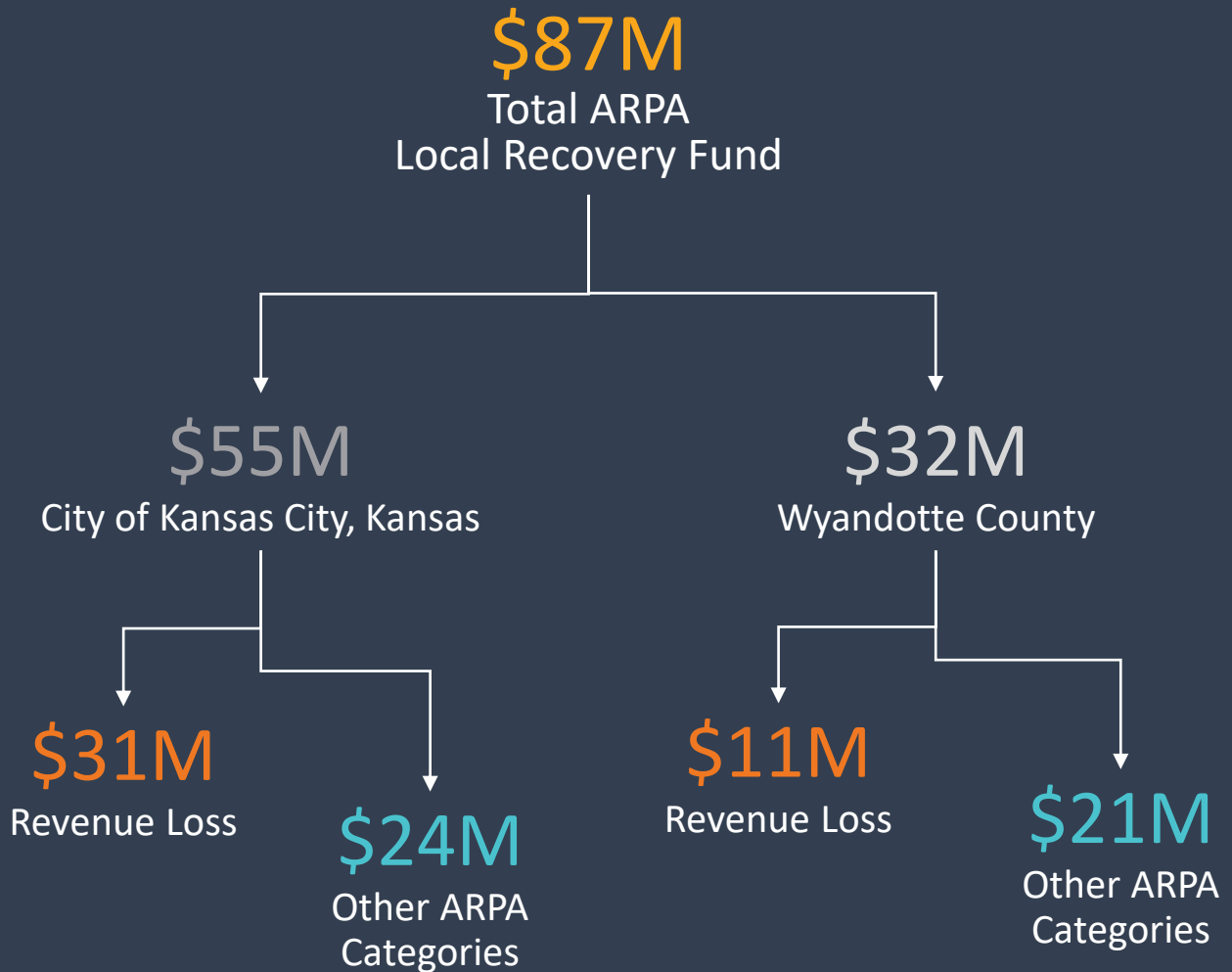


Poverty in Wyandotte County is defined as living on an annual income of \$26,000 for a household of four persons. Twenty-four of these 38 qualified census tracts have average poverty rates of 25% or greater.

Income disparities for Wyandotte County residents prior to the pandemic crossed geographic and racial categories. Of the total Kansas City, Kansas population, 53% are people of color of which 23% are black or African American and 30% Hispanic or Latino. Disparities, such as the average age at death, are evident amongst geographic areas of the County, with a difference of as much as 10 years. In zip code 66102 (eastern Wyandotte County), the average age of death was 66.5 years compared to age 73.4 years in 66109 (western part of the County). Infant Mortality is 4.4 per 1,000 live births among whites compared to 12.1 per 1,000 live births for blacks. Also, data of infant mortality rates between neighborhoods demonstrate additional disparities with 14.2 per live births in Armourdale and 13.7 in Northeast, compared to 2.4 in Piper (western Wyandotte County). Residents with a disability are 13.8% of the total population in the County compared to 12.7% nationwide and 9.2% in Johnson County, Kansas.

American Rescue Plan Act

Direct Aid & Funding Requirements



- The UG is receiving a total allocation of \$87M over two years.
- The funds are directed by the federal government in terms of how they can be used and where they can be used.
- A portion of the funds are allowed to go towards covering the lost revenue from 2020-2021 due to the pandemic.
- The remaining funds are then eligible for use based on the pre-defined ARPA categories.
- All funds must be obligated by the end of 2024, and entirely spent by the end of 2026.

ARPA Report

IMMEDIATE NEEDS

The health, social, and economic ramifications of the COVID-19 pandemic necessitate the use of some ARPA funding to meet urgent, immediate needs faced by the Wyandotte County community.

Summary

\$11.74 M

- 01 Public Health - \$5.95 M**
- 02 Reduce Negative Economic Impact - \$2.38 M**
- 03 Disproportionately Impacted Communities Assistance - \$1.07 M**
- 04 ARPA Grant Support - \$422 K**
- 05 Online Processing & Technology Investment - \$1.93 M**

Of the \$11.74 M total immediate needs, \$8.8 M are County ARPA funds and \$2.94 M are City ARPA funds.

Public Health 01

Rising COVID cases and the ongoing vaccination campaign require immediate funding to ensure current work can be sustained and new public health campaigns can be launched.

Reduce Negative Economic Impact of Pandemic 02

The economic impacts of the pandemic have many families struggling to maintain the necessities, like housing, food, and healthcare. Immediate investment will assist in keeping these families going while our economy recovers.

Disproportionately Impacted Communities Assistance 03

The health, social, and economic impacts of COVID-19 were not experienced equally across Wyandotte County. Supporting individuals who have been disproportionately impacted will aid in reversing these inequitable trends.

ARPA Grant Support 04

The Unified Government must act swiftly, responsibly, and equitably with the funding from the American Rescue Plan Act (ARPA). As new grants are awarded, annual reporting and compliance will be expected requiring better, more efficient tracking tools.

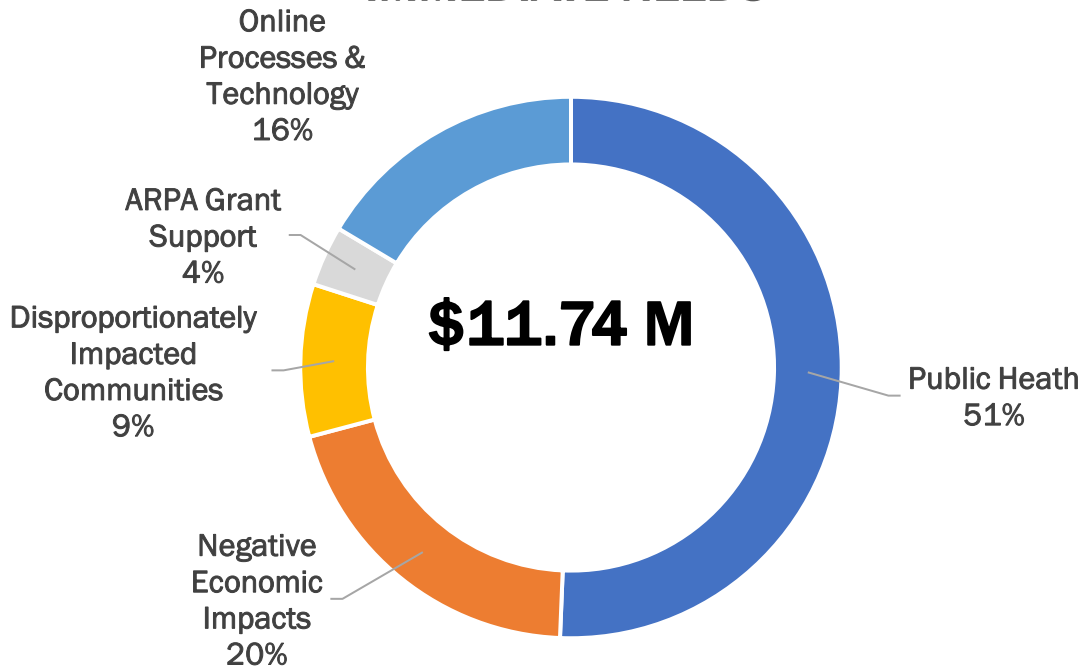
Online Processing & Technology Investments 05

Part of the Act's "Revenue Replacement" category, online processes and technology investments will be key to making the UG's service delivery easier, faster and provide more communication to our residents..

Proposed Funding Splits

Kansas City, KS & Wyandotte County, KS

IMMEDIATE NEEDS



LFRF ANNUAL ALLOCATION	KCK	WYCO	TOTAL KCK & WYCO
TOTAL: US Treasury Allocation to Unified Govt	\$55,383,872	\$32,132,644	\$87,516,516
UG NEEDS ASSESSMENT BY Eligible Use Category per Reporting Guidelines	Immediate KCK est. funding need	Immediate WYCO est. funding need	TOTAL Immediate est. funding need
Public Health	292,120	5,655,820	5,947,940
Negative Economic Impacts	901,550	1,473,950	2,375,500
Disproportionately Impacted Communities	60,000	1,009,208	1,069,208
Online Processes & Technology Investment	1,428,969	500,000	1,928,969
ARPA Grant Support	262,964	159,364	422,328
TOTAL: Assessment of Needs of United Govt	\$2,945,603	\$8,798,342	\$11,743,945
(Over) / Below US Treasury Allocation Total:	\$52,438,269	\$23,334,302	\$75,772,571
Non-Revenue Replacement Balance	\$22,781,994	\$12,813,327	

The Unified Government's COVID-19 response relies heavily on the work of Unified Government Public Health Department (UGPHD) to conduct activities most central to pandemic mitigation: testing and vaccinations.

Public Health

VACCINATION, TESTING AND
CONTACT TRACING

\$1.77 M

01

**Adding COVID-19
Vaccinations @
UGPHD - \$738 K**

02

**Mobile Vaccine Unit
- \$336 K**

03

**COVID-19 Testing -
\$175 K**

COVID-19 Vaccinations @ UGPHD **01**

3 nurses and 2 admin staff for 24 months. Vaccinations will continue at UGPHD after the Kmart vaccination facility closes. Need two years of secured funding to attract hires.

Mobile Vaccine Unit **02**

15 months operating costs for 1 Mobile Vaccine Unit; Oct 2021 - Dec 2022. July - September 2021 funded through FEMA. Core operations for vaccination outreach must continue unabated until county rates are increased.

COVID-19 Testing **03**

Continue testing relationship with Vibrant Health, focusing on at-risk & vaccine hesitant populations. Currently funded through 2021; this will fund first six months of 2022. (\$150 K)

Maintain testing in schools, long-term care facilities, inpatient mental health facilities, congregate living facilities, & other high-risk settings. Uncertainty about what State will cover; will need to be increased if KDHE withdraws support (\$25K)



The UGPHD is the only agency in the community responsible for conducting contacting tracing, and the need for additional resources will continue as long as we experience case surges.

Providing technical assistance to community medical providers will eventually reduce the COVID-19 burden experienced by the UGPHD.

Public Health

VACCINATION, TESTING AND
CONTACT TRACING
CONTINUED

\$1.77 M

- 04 Contact Tracing - \$216 K**
- 05 Deputy Medical Officer - \$98 K**
- 06 Technical Assistance Program - \$130 K**
- 07 UG Courts Vaccine Initiative - \$75 K**

Contact Tracing 04

2 contact tracing staff for 24 months. UGPHD needs baseline contact tracing staff on-site for outbreaks and surges in case rates. Funds may be depleted sooner depending on volume.

Deputy Medical Officer 05

Part-time Deputy Medical Officer to assist with COVID response leadership for 12 months, 07/21 through 06/22. Stability in leadership is critical for operational continuity.

Technical Assistance 06

Robust technical assistance to area medical providers. It is imperative for long-term sustainability that more local healthcare providers offer testing and vaccinations in their facilities. UGPHD will assist them in getting up and running in both of these areas. Reimbursable through FEMA through Sep 2021; this amount funds project through July 2022.

UG Courts Vaccine Initiative 07

Partnership with KS Legal Services & UG Municipal Court to forgive Municipal Court fees for those who show proof of COVID vaccination. Funds ½ time attorney and ½ time paralegal for 12 months. Need to initiate partnership soon to take advantage of vaccination urgency and jointly assist in clearing the Court's backlog.



Testing and contact tracing are ineffective if individuals do not follow quarantine and isolation guidelines to stop the spread of disease. Providing basic needs in people's homes and housing individuals with nowhere to quarantine allow our community to comply with public health guidance and keep their neighbors safe.

Public Health

PREVENTION IN CONGREGATE SETTINGS & OTHER COVID EXPENSES

\$854 K

08 Food Delivery Equipment - \$79 K

09 Quarantining, Isolation & Other Support- \$125 K

10 Testing & Vaccine Public Communications - \$500K – UGPHD \$150K – UG Admin

Food Delivery Equipment 08

For the Area Agency on Aging to replace food delivery equipment at congregate sites that will mitigate disease spread.

Quarantining, Isolation & Other Support 09

COVID quarantining & isolation support for unhoused individuals, or those needing social distancing from family (motel stays, room cleaning, meals). Funding for remainder of 2021. Reduces spread among households and homeless population. Rough estimate; depends on case rates. (\$25 K)

COVID-19 Assistance Response (CAR) program -- Home delivery of food, cleaning supplies, PPE to households under quarantine. Helps low-income households maintain quarantine. Funding for remainder of 2021. (\$100 K)

Testing & Vaccine Public Communications 10

Testing and vaccine communications on behalf of UGPHD. Reimbursable through FEMA through Sep 2021. Funds contract communications agency ModOp, UGPHD communications staff support, and other costs for 12 months. (\$500K)

Additional communications costs related to COVID-19 targeted for UG-City residents related to vaccination hesitancy (\$150K)



For many in our community, the COVID-19 pandemic exacerbated underlying mental health and substance abuse issues. Others experienced these issues for the first time. Our collective behavioral health system lacks capacity to manage the increase in individuals needing assistance.

Public Health

MENTAL HEALTH/ SUBSTANCE ABUSE & CHANGES IN FACILITIES THAT RESPOND TO COVID

\$374 K

11 Mental Health - \$72 K

12 Substance Abuse - \$160 K

13 Changes in Facilities that Respond to COVID - \$142 K

Mental Health 11

For Human Services Department, to provide behavioral support management, counseling, therapy, psychological testing, and additional treatment services. (Non-Medicaid cover) 4 session per month. (Dual Diagnosis Clients)

Substance Abuse 12

Substance Abuse Prevention Coordinator at UGPHD for 2 years. Substance abuse increased during pandemic; additional prevention & treatment funding requested later under ARPA; immediate need to increase staff support to start coordinating partners; secured funding for two years needed to attract hire

Changes in Facilities that Respond to COVID 13

Recreation Community Center Cleaning Machines (\$65 K) and Municipal Court Re-Opening Needs, such as microphones, speakers, building improvements, equipment to view body-worn camera videos (\$77 K)



The UGPHD's greatest resource throughout the COVID-19 pandemic has been its staff and expertise. As the UGPHD begins to return to its non-COVID work, it is imperative that we continue to fund existing and additional staff time to adequately maintain our COVID response.

Public Health

PUBLIC HEALTH STAFF RESPONDING TO COVID-19 & OTHER PUBLIC HEALTH SERVICES

\$2.95 M

- 14 Public Health Staffing - \$1 M**
- 15 COVID Operations Demobilization- \$600 K**
- 16 UGPHD Mobile Clinic Unit - \$400 K**
- 17 ARPA Coordinator @ UGPHD - \$200 K**

Public Health Staffing 14

Most UGPHD staff cannot be paid out of their current grant funding to do COVID-19 work. This requires alternative funding sources and the addition of contracted and temporary staff. \$1m will sustain our staff and the necessary new positions for 9-12 months. Significant additional funding will be needed for subsequent years of COVID response.

Operations Demobilization 15

Demobilization of COVID mass vaccination sites, including ongoing storage of equipment and supplies. Two of three mass vaccine sites closed; evaluating how long to maintain services at Kmart in 2021. Need for immediate funding to secure and climate control a storage facility.

UGPHD Mobile Clinic Unit 16

UGPHD mobile clinic unit that provides multiple UGPHD services in off-site community locations. Increased need for community-based health services during and post-pandemic. Vehicle procurement will take time; need to secure funding to initiate process.

ARPA Coordinator @ UGPHD 17

ARPA Coordinator at UGPHD for 24 months. Administrative management of multi-year funding, including funding deployment, budget oversight, and reporting; includes some COVID project management responsibilities for ARPA funded projects. Immediate need: administrative capacity is stretched as UGPHD budget has roughly doubled during COVID.



Core to the UGPHD's COVID response and ongoing operations must be the continual analysis and evaluation of relevant data. Now is the time to invest in evaluation and data analysis to ensure our COVID response and clinical operations continue to evolve to meet our community's needs.

Public Health

PUBLIC HEALTH STAFF RESPONDING TO COVID-19 & OTHER PUBLIC HEALTH SERVICES

\$2.95 M

18 Public Health Evaluation Data & Analysis - \$308 K



Public Health Evaluation Data & Analysis 18

Adding DataDirect analysis tool in electronic medical record system at UGPHD; license for 36 months. It is more important than ever for the UGPHD to utilize the data in our EMR to modify programming and conduct outreach to clients. Current reporting lacks the ability to support our needs. (\$108 K)

Third-party **evaluation of UGPHD COVID response**. Insight from an external evaluator will help us adjust COVID operations now and capture lessons for future operations. Project underway; funding needed before we are too far removed from 2020. (\$50 K)

Third-party **evaluation of UGPHD clinical services post-COVID**. The need, desire, and community availability of clinical services changed during COVID, necessitating a thorough evaluation with recommendations for change. UGPHD must begin modifying services to meet current needs, but we require an external party to assist in understanding where to place priorities and resources currently. (\$100K)

Ongoing primary data collection -- vaccine hesitancy. This funds a county-wide survey (ETC Institute) of vaccine hesitancy to inform targeted outreach. Needed now as vaccine attitudes are shifting rapidly. (\$50 K)

Supporting health access and community-based education on COVID-19 and related services is an immediate need due to the current surge we are seeing in COVID cases. At the same time, the majority of the public is now behind on seeking preventive care, including many of our children needing back-to-school physicals and immunizations.

Public Health

PUBLIC HEALTH STAFF RESPONDING TO COVID-19 & OTHER PUBLIC HEALTH SERVICES

\$2.95 M

19 **CHIP Healthcare Access Backbone Staff - \$80K**

20 **Community-based COVID education team - \$363 K**

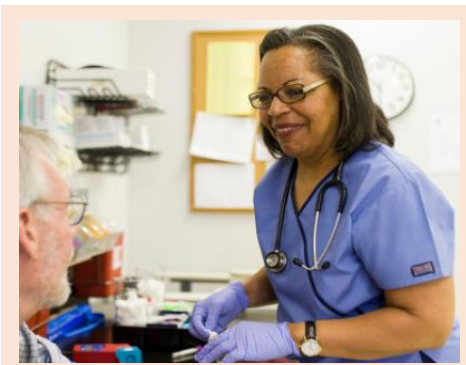
CHIP Healthcare Access Backbone Staff 19

Increase CHIP Healthcare Access backbone staff @ Vibrant Health from .5 FTE to 1 FTE. Increased community-wide, healthcare access support projects during COVID strain our backbone agency's capacity. Funds cover 24 months to sustain staff increase. Needed now to deploy new projects (e.g., non-emergency medical transportation).

Community-based COVID Education Team 20

UGPHD community-based COVID education team. There is urgent need for increased capacity to do community-wide COVID education; and to educate and inform about other infectious diseases, which are beginning to rebound post-pandemic. This funds two Health Education staff for two years, plus outreach materials and supplies. Need funding immediately to continue to combat misinformation. Funding for two years to secure quality hires. (\$313K)

Third-party diversity, equity, and inclusion consultant will work with the UGPHD to conduct training, audit UGPHD programs and their impacts on health equity; and ensure the COVID-19 response is focusing on reducing existing health disparities. Project is underway, and funding is needed soon to ensure our response is equity-centered. (\$50K)



Negative Economic Impact

HOUSEHOLD ASSISTANCE

\$868 K

Many Wyandotte County families are struggling due to lost or reduced wages and an inability to pay for basic essentials, including rent/mortgage, utilities, food, and other needs. An immediate influx of resources is required to keep families afloat during this continued difficult time.

Direct Assistance 01

Direct Food Assistance to households via deployment of **Dotte Mobile Grocer**. Funds 7,570 food boxes for households, plus smaller share of operating/payroll costs for mobile grocery vehicle. Adds direct food assistance option that can be deployed anywhere in the county. (\$200 K)

Direct Financial Crisis Support Stipend - Human Services (\$108K)

Funds for hygiene/personal care items (e.g. toiletries, diapers) for families on WIC. Federal Women, Infants, and Children (WIC) payments cannot be used for hygiene items, especially diapers, a significant cost item for low-income families. Diaper giveaways at Health Dept are major events. Funding needed now to initiate during period of increased need. (\$50K)

Bi-Lingual Housing Navigator 02

Funds 24 months for two bi-lingual (English/Spanish) housing navigator staff to assist families with housing/housing education needs. Navigators will be placed at Latino-serving community agency. Evictions continue despite national moratorium and will increase when moratorium ends. Non-English-speaking residents are at a disadvantage in securing safe, affordable housing. This request arose from CHIP Safe & Affordable Housing.

- 01 Direct Assistance - \$358 K**
- 02 Bi-Lingual Housing Navigators - \$200 K**



Negative Economic Impact

HOUSEHOLD ASSISTANCE

\$868 K

Legal assistance is often out of reach for our low-income community members who may need it most in order to maintain housing, medical care, residency, or other important needs. A small influx of immediate resources can save community resources in the long-term for both these families and our broader community. Housing insecurity is also a primary driver of childhood trauma and long-term poor health outcomes.

Legal Assistance 03

Two full-time attorneys from Kansas Legal Services focused on assisting Wyandotte County residents with housing issues (e.g., evictions, landlord-tenant disputes), medical issues (Medicaid), immigration, and other supports for low-income Wyandotte residents. Funding for two years requested to allow KS Legal Services to recruit, train and deploy attorneys. This need surfaced independently in both CHIP Healthcare Access and CHIP Safe & Affordable Housing teams. This is also a COVID mitigation measures as housing insecurity and transiency are proven drivers of COVID-19 spread. (\$300 K)

Counseling for Dispute Resolution - Human Services Department, includes mediation/counseling for individuals who are impacted by possible homelessness and would need support and guidance through mediation to settle/resolve conflict with landlord/tenant. (\$10 K)

03

**Legal Assistance -
\$310K**



Negative Economic Impact

NON-PROFIT & SMALL BUSINESS ASSISTANCE TO MITIGATE COVID

\$1.15 M

Non-Profit Assistance 04

Funds to human services related community non-profits and other agencies for COVID-related projects as required by ARPA

Small Business Assistance 05

Small Business Support (program started with CARES \$) - \$250 K; Funding for small businesses that failed during COVID that are in the Qualified Census Tracts (\$250 K); Augment funding for UG Toolbox that assists new businesses in navigating the permit and other processes, with the funding to cover upfront equipment start costs (\$150 K)

Wyandotte County's nonprofit organizations stepped up in a big way during the COVID-19 pandemic and continue to do so. They are struggling to maintain their non-COVID services while meeting Wyandotte's COVID-related needs.

Similarly, Wyandotte's small businesses continue to be instrumental to our immediate recovery and Wyandotte's long-term economic stability. Providing them with immediate support will bring benefits to our entire community.

04 Non-Profit Assistance - \$500 K

05 Small Business Assistance - \$650 K



Negative Economic Impact

TOURISM & OTHER ECONOMIC SUPPORT TO MITIGATE COVID

\$358 K

Continuing to revive our economy will require long-term investment, but some immediate resources targeted at specific projects can support our community in getting back to work.

Tourism to Mitigate COVID 06

CVB support of programs to assist hotel industry to implement mitigation and infection prevention measures

06 Tourism to Mitigate COVID - \$200 K

Job Training Assistance 07

Increase CHIP Jobs & Education backbone staff @ WYEDC from .5 FTE to 1 FTE. Increased community-wide, workforce development projects during COVID strain our backbone agency's capacity. Funds cover 24 months to sustain staff increase. Needed now to deploy/expand new projects (e.g. Business ESL, workforce transportation).

07 Job Training Assistance - \$80 K

08 Other Economic Support - \$78 K

Other Economic Support 08

Program Manager for BankOn Initiative to address unbanked residents - \$20 K; Bonuses for public safety new hires (\$40 K); Recruitment postcards and postage (\$18 K)



Disproportionately Impacted Communities

EDUCATIONAL ASSISTANCE,
HOUSING SUPPORT & HEALTHY
CHILDHOOD

\$470 K

Health begins in our homes and our early educational experiences, which are areas in which some Wyandotte residents are disproportionately affected. Immediate investments are needed to reverse the negative health and economic trends experienced by vulnerable populations in Wyandotte during COVID-19.

01 Educational Assistance - \$250 K

Educational Assistance 01

Provide technical skills education to previously incarcerated offenders seeking to pursue new business and employment opportunities in partnership with Village Initiative.

02 Housing Support - \$160 K

Housing Support 02

Support for a new CHIP Safe & Affordable Housing Lead Agency. Funds 1 FTE for 2 years. UGPHD is at the mid-way point of its 2018-2023 CHIP; leadership of the housing component is needed to coordinate partners and raise resources for issues such as community land trusts, utility shut-offs, eviction prevention, and response to homelessness. Two years of funding requested for agency to recruit, hire, deploy staff.

03 Healthy Childhood Environments - \$60 K

Healthy Childhood Environments 03

After-school and summer camps recreation centers' space footprint analysis in order to get State certification and bringing centers up to code & standards



Disproportionately Impacted Communities

2021 marked the highest number of youth deaths experienced in Wyandotte County in ten years. Reversing this trend is a top priority for the UGPHD.

COMMUNITY BENEFIT NAVIGATORS & VIOLENCE INTERVENTION

\$650 K

04 Community Benefit Navigators - \$151 K

05 Community violence intervention - \$90 K

Community Benefit Navigators 04

Crisis Respite - Human Services Department minimum of 160 units per month crisis respite support for individuals with I/DD care to provide mental health relief from natural care takers. Serving 30 people per month. (\$91 K)

Provide contract staffing assistance in accessing or applying for utility bill assistance (\$60 K)

Violence Intervention 05

Primary data collection surrounding violence prevention in Wyandotte. Robust community survey assessing community buy-in for violence prevention, to assist UG in tailoring programs that fit community needs. Includes data analysis. Needed as UGPHD increases its capacity to initiate violence prevention initiatives.



Disproportionately Impacted Communities

COMMUNITY BENEFIT NAVIGATORS & VIOLENCE INTERVENTION

\$650 K

Community-based violence prevention strategies are most effective when multiple interventions are used in combination with one another and targeting the same audience. Working within the school systems, hospital, and among community groups will create a stronger, layered approach with a greater chance of preventing violence.

05

Community violence intervention - \$359 K

Violence Intervention 05

New in-school program curriculum that addresses sexual health as well as violence in the community/home; and ongoing training in Adverse Childhood Experiences (ACEs) for UG/UGPHD staff. Supplements increased focus on violence within UGPHD, needed as rates of violence have increased. (\$13K)

Add violence prevention community health workers to the ThrYve initiative, working with the families of youth identified at a high risk for violence through school (USD500) or hospital-based (KU Hospital) interventions. Community health workers will address social determinants (e.g., education, employment, access to resources, social connection) for students & families through navigation supports. Funding for 2 years. (\$200K)

Core support for MOCSA to serve as CHIP Violence Prevention lead agency. Fund 1 FTE for 2 years. This staff will manage the coalition that implements community-based violence prevention strategies, including a new school-based bystander violence prevention program. Needed now to coordinate partners as intensive multi-component interventions work together in WYCO to decrease violence. (\$146K)



ARPA Grant Support

\$422 K

UG Staff Time Overseeing ARPA 01

Calculated based on ARPA guidance of 280 hours for both city and county at fully blended rate of \$48.80 per hour.

Grant Discovery & Writing Consultant 02

Consultant would assist staff to pursue effectively, efficiently, and strategically federal, state and other grant applications intended to provide relief of the novel coronavirus COVID-19; Collaborate with State agencies on the ARPA allocations to maximize the amount of ARPA funding the Unified Government receives; Strategize with Unified Government staff on narrative and budget outlines for proposed projects to ensure compelling and data-supported submissions.

Grant Management Software 03

Systems to establish standardized grants management processes to get funding out the door while ensuring compliance; Would include integrated platform that creates a standard, unified process and portal to deliver and track and report on funding across entire UG organization.

The Unified Government must act swiftly, responsibly, and equitably with the funding from the American Rescue Plan Act (ARPA). The process will involve engagement with residents, the Board of Commissioners, UG Departments, the State of Kansas, and other community stakeholders to maximize the benefits of ARPA assistance to community. There are significant resources beyond only the direct aid portion, that presents more funding opportunities to the UG. As new grants are awarded, annual reporting and compliance will be expected requiring better, more efficient tracking tools.

01 UG Staff Time Overseeing ARPA - \$27 K

02 Grant Discovery & Writing Consultant - \$325 K

03 Grant Management Software - \$70 K



Online Processes & Technology Investments

\$1.93 M

Online processes and technology investments are key making the UG's service delivery easier, faster and provides more communication to our residents. It saves money thru efficiencies, reduces paper and waster, and provides the ability to develop new, innovative approaches.

01 Online Processes - \$1.0 M

Online Processes 01

Implementation of online processes across many UG departments, including online technology/ customer facing/ self-services and Motor vehicle title & registration kiosks.

02 Municipal Court Software - \$929 K

Municipal Court Software 02

With the end of the 10-year technology lifecycle approaching, Municipal Court would have begun exploring options for another court management software program at the end of this year. However, due to the expedited need for a more appropriate system given KCPD's recent implementation of body worn cameras as well as moving forward with an e-ticketing program, as well as learning that the current vendor will potentially not support our system much longer, it has become very necessary to explore options for a replacement of court management system as soon as possible.





Staff Request for Commission Action

Tracking No. 211011

Full Commission Meeting Date: 8/26/21

Committee: Full Commission

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: No

<u>Date:</u> 8/23/2021	<u>Contact Name:</u> Jeffrey Conway, Patrick Waters, Misty Brown	<u>Contact Phone:</u> x5075, x5079, x5067	<u>Contact Email:</u> jconway@wycokck.org, patrickwaters@wycokck.org, mbrown@wycokck.org	<u>Department/Division:</u> Finance
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Item Description:

A Resolution for the allocation of \$1,850,000 in Local Fiscal Recovery Funds received by Wyandotte County, Kansas, to be used to address and prevent housing insecurities and other negative economic impacts due to Covid-19 as part of the American Rescue Plan Act as presented by Kathleen VonAchen, Chief Financial Officer.

Action Requested:

Consideration of the Resolution for Approval

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

ARPA Allocation - Housing Insecurities (final) (002)

RESOLUTION NO. _____

A RESOLUTION FOR THE ALLOCATION AND APPROVAL OF LOCAL FISCAL RECOVERY FUNDS TO BE USED FOR ADDRESSING AND PREVENTING HOUSING INSECURITIES AND OTHER NEGATIVE ECONOMIC IMPACTS DUE TO COVID-19 AS PART OF THE AMERICAN RESCUE PLAN ACT.

WHEREAS, the American Rescue Plan Act (ARPA) was signed into law by President Biden on March 11, 2021, (Public Law 117-2), and was codified at 42 U.S.C. § 802 *et seq.*; and

WHEREAS, ARPA established the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund, which were together intended to provide support to State, local, and Tribal governments in responding to the impact of COVID-19 and in their efforts to contain COVID-19 on their communities, residents, and businesses; and

WHEREAS, the Recovery Funds are intended to build on and expand the support provided to these governments over the last year, including through the Coronavirus Relief Fund (CRF), which was established by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. No. 116-136, 134 Stat. 281 (2020); and

WHEREAS, ARPA generally provides that the Recovery Funds may be used:

- a) To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
- b) To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers;
- c) For the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and
- d) To make necessary investments in water, sewer, or broadband infrastructure; and

WHEREAS, the Supplementary Information accompanying the federal Department of the Treasury's Interim Final Rule (31 CFR Part 35) notes that "Where there has been a negative economic impact resulting from the public health emergency, States, local, and Tribal governments have broad latitude to choose whether and how to use the Fiscal Recovery Funds to respond to and address the negative economic impact." (86 FR 26786, at 26794); and

WHEREAS, the Covid-19 pandemic has created housing insecurities and other negative economic impacts associated with homelessness in communities within Wyandotte County thereby creating a need for additional human services.

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/ KANSAS CITY, KANSAS AS FOLLOWS:

Section 1. The Unified Government Board of Commissioners hereby approves that of the Wyandotte County, Kansas total allocation, One Million Eight Hundred Fifty Thousand Dollars (\$1,850,000) be allocated to address and prevent housing insecurities and negative economic impacts associated with homelessness and other related human services in Wyandotte County through January of 2022.

Section 2. Effective Date. This ordinance and resolution shall take effect and be in full force from and after its passage and approval.

**APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,
THIS ____ DAY OF AUGUST 2021.**

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:

Unified Government Chief Counsel



Staff Request for Commission Action

Tracking No. 21967

Full Commission Meeting Date: 8/26/2021

Committee: Neighborhood & Community Development

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
8/19/2021	Jud Knapp	x5472	jknapp@wycokck.org	Economic Development

Item Description:

The Land Bank Manager respectfully requests that the Neighborhood and Community Development Committee review the proposed item and forward it to the Land Bank Board of Trustees for final consideration, Submitted by Jud Knapp, Interim Land Bank Manager

26 Single family homes

37 Multifamily units

1 Garage

7 Commercial

Action Requested:

Approve and forward to Land Bank Board of Trustees

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

NCD Memo Land Bank Options 08.09.21



Wyandotte County Land Bank
Economic Development Department
Jud Knapp, Interim Manager

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

Phone: (913) 573-5472
Fax: (913) 573-5745
Email: jknapp@wycokck.org

M E M O R A N D U M

TO: Neighborhood & Community Development Standing Committee
FROM: Jud Knapp, Interim Land Bank Manager
DATE: July 28, 2021
SUBJECT: Option applications for consideration

The following **option application(s)** are being presented at the 08/09/2021 meeting:

A. New Construction - Single Family Homes - 18 Total

1. Senitria Monk – 15 homes
 - i. 1901 N HALLOCK ST - 140514
 - ii. 1928 N HALLOCK ST - 140532
 - iii. 1930 N HALLOCK ST - 140531
 - iv. 1913 N HALLOCK ST - 140518
 - v. 1902 N HALLOCK ST - 140543
 - vi. 1925 N HALLOCK ST - 140524
 - vii. 1920 N HALLOCK ST - 140535
 - viii. 512 PARALLEL PKWY - 140501
 - ix. 1910 N HALLOCK ST - 140539
 - x. 1923 N HALLOCK ST - 140523
 - xi. 1917 N HALLOCK ST - 140520
 - xii. 1914 N HALLOCK ST - 140537
 - xiii. 1900 N HALLOCK ST - 140544
 - xiv. 1919 N HALLOCK ST - 140521
 - xv. 1932 N HALLOCK ST - 140530
 - xvi. 1907 N HALLOCK ST - 140516
 - xvii. 1909 N HALLOCK ST - 140517
 - xviii. 1906 N HALLOCK ST - 140541
 - xix. 1904 N HALLOCK ST - 140542
 - xx. 1926 N HALLOCK ST - 140533
 - xxi. 1908 N HALLOCK ST - 140540
 - xxii. 1903 N HALLOCK ST – 140515
 - xxiii. 1924 N HALLOCK ST – 140534

2. Rick Worner – 2 homes

Requesting 6 lots for 2 homes. This is to give flexibility if some of the lots are unbuildable the developer will build on the next buildable lot. The Land Bank proposes an option on all 6 but will only deed 2 parcels for the new homes.

- i. 1950 N Valley St - 213721
- ii. 1948 N Valley St - 213720
- iii. 1944 N Valley St - 213719
- iv. 1942 N Valley St - 213718
- v. 1936 N Valley St – 098900
- vi. 1934 N Valley St – 098901

3. Paul Grahovac – 1 home

- i. 2703 N Hallock St – 292408

B. New Construction – Eddie Guinn - (Single Family Homes – 8, Townhomes – 25, Commercial – 3)

1. Single family homes – 8

- i. 1342 Lafayette Ave - 157803
- ii. 1338 Lafayette Ave - 157806
- iii. 1340 Lafayette Ave - 157802
- iv. 1336 Lafayette Ave - 157807
- v. 1326 Lafayette Ave - 157811
- vi. 1322 Lafayette Ave - 157812
- vii. 1314 Lafayette Ave - 157814
- viii. 1320 Lafayette Ave - 157813

2. Townhomes -25, Commercial -3

The 3 commercial buildings are for healthcare, a bank, and office/community space

- i. 1514 STEWART AVE - 158023
- ii. 1522 STEWART AVE - 158027
- iii. 1406 STEWART AVE - 158015
- iv. 1610 STEWART AVE - 158120
- v. 1306 STEWART AVE - 158003
- vi. 1302 STEWART AVE - 158001
- vii. 1404 STEWART AVE - 158014
- viii. 1300 STEWART AVE - 907204
- ix. 1502 STEWART AVE - 158021
- x. 1414 STEWART AVE - 158019
- xi. 1500 STEWART AVE - 158020
- xii. 1412 STEWART AVE - 158018
- xiii. 1408 STEWART AVE - 158016
- xiv. 1312 STEWART AVE - 158006
- xv. 1322 STEWART AVE - 158010
- xvi. 1516 STEWART AVE - 158024
- xvii. 1304 STEWART AVE - 158002
- xviii. 1508 STEWART AVE - 158022
- xix. 1410 STEWART AVE - 158017
- xx. 1310 STEWART AVE - 158005
- xxi. 1326 STEWART AVE - 158012
- xxii. 1318 STEWART AVE - 158008
- xxiii. 1520 STEWART AVE - 158026
- xxiv. 1324 STEWART AVE - 158011
- xxv. 1308 STEWART AVE - 158004
- xxvi. 1314 STEWART AVE – 158007

C. New Construction – Multi Family Homes – 12 Units

1. Ervinco LLC – 2 Duplexes
 - i. 7548 Lathrop Ave - 215804
 - ii. 700 N 75th ST - 928942
2. Bart Maffry 8 Unit Row Houses
 - i. 824 Freeman Ave – 082345
 - ii. 826 Freeman Ave - 082344
 - iii. 830 Freeman Ave - 082343
 - iv. 832 Freeman Ave - 082342
 - v. 834 Freeman Ave - 082341
 - vi. 838 Freeman Ave - 082374
 - vii. 840 Freeman Ave – 082340

D. New Construction - Commercial – 2

1. Kenthedo Robinson – Community Theater
 - i. 1342 Lafayette Ave – 157803
 - ii. 1945 N 7th St – 095142
 - iii. 1943 N 7th St – 095143
 - iv. 1941 N 7th St – 095145
 - v. 1941 R N 7th St – 095144
 - vi. 651 Troup Ave – 095299
 - vii. 649 Troup Ave - 095141
2. Mike Payne – Neighborhood Convenience Retail Center – 3 Storefronts
 - i. 1135 Quindaro Blvd – 106315
 - ii. 1137 Quindaro Blvd – 906609
 - iii. 1139 Quindaro Blvd – 906610

E. New Construction – Garage – 1

1. Jesus Leyva
 - i. 919 Cleveland Ave – 157928

Staff Advisory Board – the home already has 2 lots, and can build garage on the current property

Land Bank Advisory Board

One member of the advisory board would like to put a hold on all housing in the northeast until stakeholders can convene about an infill housing strategy. The member was concerned about making sure housing was equitable, gentrification concerns, and how the projects will affect existing neighborhoods.



Staff Request for Commission Action

Tracking No. 21968

Full Commission Meeting Date: 8/26/21

Committee: Neighborhood & Community Development

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u> 8/19/2021	<u>Contact Name:</u> Jud Knapp	<u>Contact Phone:</u> x5472	<u>Contact Email:</u> jknapp@wycokck.org	<u>Department/Division:</u> Economic Development
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Item Description:

The Land Bank Manager respectfully request that the Neighborhood and Community Development Committee review the proposed item and forward it to the Land Bank Board of Trustees for final consideration, Submitted by Jud Knapp, Interim Land Bank Manager

1 Yard Extension Requests

1 Property Transfers

Action Requested:

Approve and forward to Land Bank Board of Trustees

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

FC Memo Land Bank Property Transfers 08.26.21



Wyandotte County Land Bank
Economic Development Department
Jud Knapp, Interim Manager

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

Phone: (913) 573-5472
Fax: (913) 573-5745
Email: jknapp@wycokck.org

M E M O R A N D U M

TO: Neighborhood & Community Development Standing Committee
FROM: Jud Knapp, Interim Land Bank Manager
DATE: August 19, 2021
SUBJECT: Property Transfers applications for consideration

The following **property transfers application(s)** are being presented at the 08/26/2021 meeting:

A. Yard Extensions 1 Total

Megan Summers

- 26 S Minnie St – 139828
- Unbuildable lot

B. Property Transfers 1 Total

Turtle Hill

- 1308 N 6th St – 081966
- Unbuildable lot
- Expanding current park

